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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, September 17, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Rescheduled Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1st and 3rd Tuesday 1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 35

Members Present:	Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Leland Y. Yee.
Members Absent:	Mark Leno, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Leno, Peskin and Sandoval - 3

Supervisors Leno and Peskin excused. (See infra)
Supervisor Sandoval was noted present at 2:04 p.m.

Quorum present.

Supervisors Leno and Peskin Excused from Attendance

Supervisor Daly, seconded by Supervisor Maxwell, moved to excuse Supervisors Leno and Peskin from attending today's meeting. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Yee
Absent: 3 - Leno, Peskin, Sandoval

Privilege of the Floor

Supervisor Yee, seconded by Supervisor Newsom, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to representatives of the "People with Disabilities Foundation".

APPROVAL OF MEETING MINUTES

Supervisor Daly, seconded by Supervisor Maxwell, moved to approve the minutes of the Board of Supervisors of July 8, July 15, July 22, July 29 and August 5, 2002. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Yee
Absent: 3 - Leno, Peskin, Sandoval

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AGENDA CHANGES

Clerk of the Board informed the Board that File Nos. 021241, 021242, 021243, 021245, 021246 and 021247 may be continued. (See Infra)

CONSENT AGENDA

Recommendations of the Rules and Audits Committee

021288 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Percival Agoncillo against the City and County of San Francisco for $62,500; the lawsuit was filed on November 17, 1999 in San Francisco Superior Court, Case No. 307-953; entitled Percival Agoncillo v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 187-02
FINALLY PASSED

021323 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Lee Reese against the City and County of San Francisco for $72,500.00; the lawsuit was filed on February 23, 2000 in Superior Court, Case No. 310-163; entitled Lee Reese v. California Bethel AME-Church, Inc., City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 195-02
FINALLY PASSED

021449 **[Settlement of Lawsuit]**

Ordinance authorizing offer of settlement of the lawsuit filed by Dillingham Construction N.A., Inc. against the City and County of San Francisco for $350,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid through the release of such monies from the retention account for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)

(No Public Benefit Recipient.)

Ordinance No. 200-02
FINALLY PASSED

Recommendations of the Transportation and Commerce Committee

021316 **[Federal Grant - Municipal Transportation Agency]**
Supervisor Newsom

Resolution authorizing the Municipal Transportation Agency Board to accept and expend $50,000 of Federal Assistance for Emergency Preparedness Drills, excluding Administrative Overhead Costs. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

Supervisor Newsom requested to be added as a co-sponsor.
Resolution No. 639-02
ADOPTED

021317 **[Accept - Expend Local Funds]**
Resolution authorizing the Municipal Transportation Agency to accept and expend $514,664 of Carl Moyer Program funds for Municipal Railway Transit Project. (Municipal Transportation Agency)

(Public Benefit Recipient.)

Resolution No. 640-02
ADOPTED

021360 **[State grant funds of $100,000 for a study of the coastal erosion occurring at Ocean Beach and potential methods of control]**
Supervisors McGoldrick, Newsom

Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of $100,000 from the Coastal Resources Grant Program for the Ocean Beach Erosion Control Project in the City and County of San Francisco.

(No Public Benefit Recipient.)

Supervisor Newsom requested to be added as a co-sponsor.
Resolution No. 641-02
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

021241 **[Appeal, Conditional Use, 1598 Dolores Street]**

Motion approving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 23, 2002

CONTINUED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Yee
Absent: 3 - Leno, Peskin, Sandoval

021242 **[Appeal, Conditional Use, 1598 Dolores Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 23, 2002

CONTINUED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Yee
Absent: 3 - Leno, Peskin, Sandoval

021243 **[Findings - 1598 Dolores Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2000.1058C, on property located 1598 Dolores Street, for action by the Board at its next meeting.

Continued to September 23, 2002

CONTINUED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Yee
Absent: 3 - Leno, Peskin, Sandoval

From the Clerk

021245 **[Appeal, Conditional Use, 2863 California Street]**

Motion approving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Newsom requested this item to be continued to September 23, 2002.

Supervisor Newsom, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021246 **[Appeal, Conditional Use, 2863 California Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Newsom requested this item to be continued to September 23, 2002.

Supervisor Newsom, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021247 **[Findings - 2863 California Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0408C, on property located 2863 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Newsom requested this item to be continued to September 23, 2002.

Supervisor Newsom, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

Recommendations of the Finance Committee

021404 **[Setting San Francisco's fiscal year 2002-2003 property tax rate and establishing pass-through rate for residential tenants]**

Supervisor Gonzalez

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2003. (Controller)

Supervisor Gonzalez requested to be added as a co-sponsor.

Ordinance No. 196-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021405 **[Setting San Francisco Community College District's fiscal year 2002-2003 property tax rate to be included in the City's overall property tax rate]**

Supervisor Gonzalez

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2003. (Controller)

Supervisor Gonzalez requested to be added as a co-sponsor.

Ordinance No. 197-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021406 **[Setting San Francisco's Unified School District's fiscal year 2002-2003 property tax rate to be included in the City's overall property tax rate]**

Supervisor Gonzalez

Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2003. (Controller)

Supervisor Gonzalez requested to be added as a co-sponsor.

Ordinance No. 198-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021407 **[Rescind funding for the Art Commission for municipal symphony concerts using property tax revenue]**
Supervisor Gonzalez

Ordinance rescinding $31,964 in appropriation authority for the municipal symphony concerts using property tax revenue, pursuant to Charter Section 16.106(1) for the Art Commission for fiscal year 2002-03. (Controller)

Supervisor Gonzalez requested to be added as a co-sponsor.

Ordinance No. 199-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

Recommendation of the Health and Human Services Committee

012186 **[Regulation of Diesel Backup Generators]**
Supervisors Maxwell, Daly, Gonzalez

Ordinance amending the San Francisco Health Code by adding a new Article 30 to: (1) establish a registration program within the Department of Public Health for diesel backup generators used by facilities in the City and County of San Francisco; (2) require new backup diesel generators to have air emission control technologies; (3) limit the operation of diesel backup generators during non-emergency situations; (4) establish a recordkeeping requirement for the operation of diesel backup generators; and (5) provide for an enforcement mechanism for violations of the requirements of this Ordinance.

Ordinance No. 202-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

Recommendations of the Public Works and Public Protection Committee

021095 **[Notification of Solicitations]**
Supervisors Sandoval, Daly

Ordinance amending the San Francisco Administrative Code by amending Section 12 D.A. 9. to require that all contract awarding authorities submit current bids, requests for proposals and solicitations to the Purchaser of Supplies of the City and County of San Francisco and cause to be posted on a Purchaser's website certain information concerning current bids, requests for proposals and solicitations.

Ordinance No. 189-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021201 **[Building Code]**
Supervisor Sandoval

Ordinance repealing the San Francisco Building Code and adopting, in its entirety, a new San Francisco Building Code. (Building Inspection Department)

(Companion measure to File 021202.)

Ordinance No. 190-02
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021203 **[Electrical Code]**
Supervisor Sandoval

Ordinance repealing the San Francisco Electrical Code and adopting, in its entirety, a new San Francisco Electrical Code. (Building Inspection Department)

(Companion measure to File 021204.)

Ordinance No. 191-02
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021205 **[Housing Code]**
Supervisor Sandoval

Ordinance repealing the San Francisco Housing Code and adopting, in its entirety, a new San Francisco Housing Code. (Building Inspection Department)

(Companion measure to File 021206.)

Ordinance No. 192-02
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021207 **[Mechanical Code]**
Supervisor Sandoval

Ordinance repealing the San Francisco Mechanical Code and adopting, in its entirety, a new San Francisco Mechanical Code. (Building Inspection Department)

(Companion measure to File 021208.)

Ordinance No. 193-02
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021209 **[Plumbing Code]**
Supervisor Sandoval

Ordinance repealing the San Francisco Plumbing Code and adopting, in its entirety, a new San Francisco Plumbing Code. (Building Inspection Department)

(Companion measure to File 021210.)

Ordinance No. 194-02
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

Recommendation of the Rules and Audits Committee

020942 **[Settlement of Lawsuit]**
Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by Cecelia Wade against the City and County of San Francisco for $350,000; the lawsuit was filed on July 11, 2001 in the San Francisco Superior Court and later was transferred to the District Court of the Northern District of California, Case No. C01-3165; entitled Cecelia Wade, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as a co-sponsor.
Ordinance No. 188-02
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

NEW BUSINESS

Recommendation of the Neighborhood Services and Recreation Committee

021312 **[Liquor License Transfer, 638 Fourth Street]**
Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license and Type 42 on-sale beer and wine public premises license from 766 Harrison Street to 638 Fourth Street to Todd F. Zucker for dba "K&L Wine Merchants" will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 638-02
ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

From Rules and Audits Committee "Without Recommendation"

020618 **[Amending the Rules of the Board to schedule regular Board meetings on Tuesdays at 2pm effective the week of February 2, 2003.]**
Supervisor Gonzalez

Motion amending Rule 6.2 of the Rules of Order of the Board of Supervisors to require the scheduling of regular meetings of the Board of Supervisors on Tuesdays at 2 p.m., instead of Mondays at 2 p.m., effective the week of February 2, 2003. (Clerk of the Board)

(Companion measure to File 020597.)

Continued to September 23, 2002
Supervisor Gonzalez requested to be added as a co-sponsor.
Supervisor Gonzalez, seconded by Supervisor Newsom, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

020597 **[Establishing Board of Supervisors Regular Meeting Days]**
Supervisors Gonzalez, Newsom, Daly

Resolution establishing Tuesdays at 2 p.m. as the regular meeting days and times of the Board of Supervisors, beginning on February 4, 2003; rescinding Resolution No. 186-87, effective January 28, 2003, which established Mondays at 2 p.m. as the days and times of regular meetings of the Board of Supervisors.

Continued to September 23, 2002
Supervisor Daly requested to be added as a co-sponsor.
Supervisor Gonzalez, seconded by Supervisor Newsom, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

Recommendations of the Transportation and Commerce Committee

021183 **[CEQA Findings for the Laguna Honda Replacement Project]**
Supervisors Hall, Newsom

Resolution adopting environmental findings pursuant to the California Environmental Quality Act and State Guidelines in connection with adoption of a Zoning Map Amendment for the Laguna Honda Hospital Replacement Project.

Supervisor Newsom requested to be added as a co-sponsor.
Resolution No. 637-02
ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

021191 **[Zoning Map Amendment in connection with Laguna Honda Replacement Project]**
Supervisors Hall, Newsom

Ordinance amending Zoning Map Sheet 6H of the City and County of San Francisco for property located at Assessor's Block 2842 to change the height district classification from 80D to 90D and a portion of the area designated as OS to 90D; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

(Companion measure to File 021183.)

Supervisor Newsom requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdalah Megahed; homelessness and peace issues
Ms. Miller; homelessness issues
Male speaker; quality of Democracy
Rubin Goodman; City Street cleaners issues
John Kelly; homelessness relating to the elderly
Daryl Bishop; City construction contract
James Chaffee; SF Public Library issues
Roger Baisley; SF PTA school traffic issues

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

021527 **[Legislative Analyst Request]**
Supervisor Daly

Motion asking the Legislative Analyst to address San Francisco's criminal justice system with a specific analysis of race, ethnicity, age, sexual orientation and neighborhood of participants. Contrast San Francisco's offender profile with that of other major American cities. Describe prevention and community organizing programs that keep people from the criminal justice system. Analyze rehabilitation programs for cost effectiveness and efficacy.

APPROVED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021511 [Commend Chinatown Child Development Center]
Supervisors Yee, Daly, Gonzalez

Resolution commending the excellent work of the Chinatown Child Development Center and congratulating CCDC on the occasion of its 30th Anniversary.

Supervisors Daly and Gonzalez requested to be added as co-sponsors.

Resolution No. 642-02
ADOPTED

021512 [Congratulating Superintendent Ackerman and Board of Education for improved academic performance]
Supervisors Ammiano, Newsom, McGoldrick, Daly

Resolution congratulating Superintendent Ackerman and the Board of Education for their steadfast commitment to improving the quality of San Francisco's public schools; and supporting their proven efforts to raise academic performance and improve San Francisco's public schools.

Supervisors McGoldrick and Daly requested to be added as co-sponsors.

Resolution No. 643-02
ADOPTED

021513 [Support UC Davis Researcher, Bin Han]
Supervisor Sandoval

Resolution supporting UC Davis researcher Bin Han in his pursuance of justice in the face of wrongful accusations of embezzlement and espionage.

Resolution No. 644-02
ADOPTED

021515 [Marina District Pedestrian Safety]
Supervisor Newsom

Resolution urging the Municipal Transportation Agency Board of Directors to take all necessary steps in mitigating unsafe traffic conditions in the Marina District, specifically at the corner of Lombard and Fillmore Streets, including consideration of the installation of a countdown light, and the installation of a lit crosswalk at this intersection and working with the Office of the City Attorney and the San Francisco Police Department in concert for a unified and collaborative effort to make safer streets and ensure maximum pedestrian safety.

Resolution No. 646-02
ADOPTED

021516 [Designate Southeast Corner of Filbert and Grant "Poet's Corner"]
Supervisors Peskin, Gonzalez, Daly, Newsom

Resolution designating the southeast corner of Filbert and Grant in North Beach as the official Poet's Corner of the City of San Francisco beginning on Sunday, September 22, 2002, and to honor the contribution of poets past and present by approving the installation of a commemorative plaque at this location.

Supervisors Daly, Gonzalez and Newsom requested to be added as co-sponsors.

Resolution No. 647-02
ADOPTED

021517 [Commend Anti-Hate Campaign]
Supervisors Daly, Newsom

Resolution supporting the citywide "Anti-Hate Campaign."

Supervisor Newsom requested to be added as a co-sponsor.

Resolution No. 648-02
ADOPTED

021518 [Commend Family Connections, San Bruno Merchants, St. Elizabeth Chapter of SF]
Supervisor Maxwell

Resolution to commend Family Connections, San Bruno Merchants Association, the St. Elizabeth Chapter of the San Francisco Organizing and the greater Portola community for their efforts to revitalize their neighborhood and proclaim Sunday, September 29, 2002 as San Bruno Avenue Community Festival Day in San Francisco.

Resolution No. 649-02
ADOPTED

021519 [Support SEIU's "Principles for a More Secure San Francisco"]
Supervisor Daly

Resolution supporting SEIU's five-point plan.

Resolution No. 650-02
ADOPTED

021520 [Commend "Daughters of Charity" 150 years]
Supervisors Yee, Newsom

Resolution commending the Daughters of Charity for One Hundred Fifty Years of Service.

Supervisor Newsom requested to be added as a co-sponsor.

Resolution No. 651-02
ADOPTED

021540 **[Final Map for a 6 Unit Residential Condominium Project]**

Motion approving Final Map of 2999 Pacific Avenue, A Residential Condominium Project, being a resubdivision of Lots 80, 81, 82, 83, 84, and 85 in Assessor's Block No. 976, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,683; District 2.)

Motion No. M02-158
APPROVED

021500 **[Final Map for an 8 Unit Live/Work Condominium Project]**
Supervisor Daly

Motion approving Final Map of 428 8th Street, a Live/Work Condominium Project, being a subdivision of Lot 70, Assessor's Block No. 3757, and adopting findings pursuant to City Planning Code Section 101.1.

(DPW Order No. 173,688; District 6.)

Motion No. M02-155
APPROVED

021528 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M02-156
APPROVED

021539 **[Final Map for a 6 Unit Live/Work Condominium Project]**

Motion approving Final Map of 475 Hampshire Street, a Live/Work Condominium Project, being a subdivision of Lot 3, Assessor's Block No. 3973, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,689; District 9.)

Motion No. M02-157
APPROVED

020702 **[Final Map for a 9 Unit Live/Work Condominium Project]**

Motion approving Final Map of 637 Natoma Street, a Live/Work Condominium Project, being a subdivision of Lot 200, Assessor's Block No. 3727, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,704; District 6; No Public Benefit Recipient.)

Motion No. M02-153
APPROVED

020756 **[Final Map for a 15 Unit Commercial/Residential Condominium Project]**

Motion approving Final Map of 741 & 745 Clement Street, a Commercial/Residential Condominium Project, being a merger and subdivision of Lots 31 and 31A Assessor's Block No. 1440, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,706; District 1; No Public Benefit Recipient.)

Motion No. M02-154

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee

Absent: 2 - Leno, Peskin

Severed from Adoption Without Reference to Committee

Supervisor Sandoval requested this matter be severed so it could be considered separately.

Supervisor Sandoval requested that the following Supervisors be added as co-sponsors:
Ammiano, Daly, Gonzalez, Maxwell and Yee.

021514 [Oppose Social Security Administration's No-Match Policy]
Supervisors Sandoval, Gonzalez, Daly

Resolution opposing the Social Security Administration's "No-Match" letter policy and urging local employers to adopt a code of conduct towards no match letters.

Resolution No. 645-02

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Leno, Peskin

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinance

021503 **[Amend Subdivision Code Section 1308]**
Supervisors McGoldrick, Ammiano, Gonzalez

Ordinance amending the San Francisco Subdivision Code by amending Section 1308 to provide that a tenant may also be an owner of record of the property and to remove the requirement that a tenant have an exclusive right to occupy a unit; amending Section 1316 to address the formation of tenancies in common in buildings of seven units or more; and making this Ordinance retroactive to November 1, 2002.

8/26/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

9/16/02, TRANSFERRED to Transportation and Commerce Committee.

9/17/02, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

9/17/02, ASSIGNED to Transportation and Commerce Committee.

Resolutions

021552 **[Oppose Federal Intervention Collective Bargaining - International Longshore and Warehouse Union]**
Supervisors Sandoval, Newsom, Yee, McGoldrick, Maxwell, Ammiano, Daly, Gonzalez, Leno, Peskin

Resolution opposing Federal intervention in the collective bargaining process between the International Longshore and Warehouse Union and the Pacific Maritime Association in San Francisco.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021553 **[Commend Developing Environments Artists]**
Supervisors Daly, Sandoval

Resolution commending the Developing Environments Artists in the Royce Artists Building on their 30th year anniversary.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021554 **[Support Proposition 50, Clean Water and Coastal Protection Bond]**
Supervisors Daly, Sandoval

Resolution supporting Proposition 50, the Clean Water and Coastal Protection Bond.

9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021555 [Extend Juvenile Justice Advisory Committee]
Supervisor Gonzalez

Resolution extending the Juvenile Justice Advisory Committee's term of operation for an additional six months.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021556 [Declare October 20 - 26 National Operator Appreciation Week]
Supervisors Yee, Sandoval

Resolution declaring October 20 - October 26 as National Operator Appreciation Week.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021557 [Support Assembly Bill 117, Community Choice Bill]
Supervisors Ammiano, Daly

Resolution supporting Assembly 117, the Community Choice Bill.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021558 [Support Proposition 47, Kindergarten-University Public Education Facilities Bond Act]
Supervisors Ammiano, Sandoval, Daly

Resolution supporting Proposition 47, the Kindergarten-University Public Education Facilities Bond Act of 2002.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021559 [Honor Reverend Louis Vitale]
Supervisors Ammiano, Newsom, Sandoval, Leno, Daly, Gonzalez

Resolution honoring Reverend Louis Vitale who has devoted over 40 years of his life to the service of others by declaring September 29th, 2002 as Fr. Louis Vitale Day.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021560 [Commend Sheldon Rizen]
Supervisors Ammiano, Sandoval

Resolution commending Mr. Sheldon Rizen, an outstanding educator for the San Francisco Unified School District (SFUSD) and declaring September 28th, 2002 as Mr. Sheldon Rizen Day in the City and County of San Francisco.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021561 [Commend City CarShare's Electrical Car Sharing Service]
Supervisors Newsom, Sandoval, Leno, Peskin, Daly, Gonzalez

Resolution commending City CarShare on its launch of electric car sharing service in San Francisco.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021562 [Commend Family Connections, San Bruno Merchants, Portola Community for San Bruno Avenue Festival Day]
Supervisors Maxwell, Sandoval, Leno

Resolution to commend Family Connections, San Bruno Merchants Association and the greater Portola community for their efforts to revitalize their neighborhood and proclaim Sunday, September 29, 2002 as San Bruno Avenue Community Festival Day in San Francisco.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021563 [Commend DTIS launch of new SFGTV]
Supervisors Daly, Sandoval

Resolution commending the Department of Telecommunications and Information Services on the occasion of the launch of SFGTV.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021564 [Commend Martina Gillis]
Supervisors Ammiano, Sandoval, Leno, Daly

Resolution of appreciation and recognition of Martina Gillis for her vision, leadership, and years of commitment on behalf of the people of the City and County of San Francisco.
9/17/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021571 [Appointment - Telecommunications Commission]
Mayor

Resolution approving the Mayor's appointment of Elizabeth A. Inadomi to the Telecommunications Commission, for the term ending July 1, 2005. (Mayor)
9/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021572 [Accept - Expend Federal Grant]
Mayor

Resolution authorizing the Mayor of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $1,609,555 from the U.S. Department of Justice, Bureau of Justice Assistance, to administer the Local Law Enforcement Block Grant Program. (Mayor)

(Public Benefit Recipient.)
9/17/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

Request for Hearing

021565 **[Interim Management Letters, City's 2001-2002 Audit]**
Supervisor Hall

Hearing to consider the Interim Management Letters for the City and County of San Francisco as presented by the City's external auditors for the fiscal year 2001-2002 audit.
9/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee. Sponsor requests this item be scheduled for consideration at the October 1, 2002 meeting.

021566 **[Small Business Concerns re: PG&E]**
Supervisor Daly

Hearing to discuss small business concerns about PG&E, including high cost of service and poor customer service.
9/17/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021567 **[Violence on Young Children]**
Supervisor Ammiano

Hearing on San Francisco's strategy to reduce the incidence and impact of violence on young Children.
9/17/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Sponsor requests this item be scheduled for consideration at the November 7, 2002 meeting.

021568 **[Office of Citizen Complaints 2001 Annual Report]**
Supervisor Ammiano

Hearing on the 2001 Annual Report of the Office of Citizen Complaints.
9/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

Motion

021570 **[Waiver Permitting City Employees to Serve as Field Election Deputies and Otherwise Assist the Department of Elections on November 5, 2002.]**
Supervisor Ammiano

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit employees of the Controller's Office and the City Attorney's Office and civil servants working for City departments, other than departments whose elective officer is standing for election on November 5, 2002, to serve as Field Election Deputies and otherwise assist the Department of Elections on November 5, 2002.
9/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED ORDINANCES

021530 **[Settlement of Lawsuit - Mary Lou Cordero]**

Ordinance authorizing settlement of the lawsuit filed by Mary Lou Cordero against the City and County of San Francisco for $100,000; the lawsuit was filed on August 27, 2001, in the San Francisco Superior Court, Case No. 324-064; entitled Mary Lou Cordero v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

9/3/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021531 **[Settlement of Lawsuit - Silvia Landau]**

Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by Silvia Landau against the City and County of San Francisco for $73,000; the lawsuit was filed on April 27, 2000 in San Francisco Superior Court, Case No. 311768, entitled Silvia Landau v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

9/18/02 Supervisor Sandoval dissenting in committee.

9/3/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021532 **[Settlement of Grievance - Gabriel Castillo]**

Ordinance authorizing settlement of the grievance (ERD No. 83-02-0790) of Gabriel Castillo against the City and County of San Francisco for $93,938.15 (including $72,427.50 to Castillo as back wages; $16,392.08 to the City's Retirement System to make up shortages in Castillo's retirement account; $3,938.15 to the City's Retirement System as reimbursement for withholding tax and health coverage premiums; and $1,180.42 as a lump sum payment to Castillo). Other material terms of said settlement are Castillo shall not seek future employment with the City and he shall release all claims relating to his dismissal as a 2320 Registered Nurse. Castillo shall also return all uncashed pension warrants in the amount of $19,625.24 to the Office of the City Attorney. (City Attorney)

(Public Benefit Recipient.)

9/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED RESOLUTIONS

020348 **[Request an ABAWD (Able Bodied Adults without Dependents) Waiver from the State Department of Social Services]**

Resolution authorizing the Department of Human Services to request an ABAWD Waiver from the State Department of Social Services. (Human Services Department)

(No Public Benefit Recipient.)

9/9/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021508 **[Agreement with the State of California for the Third Street Light Rail Project and supplement to the Freeway Maintenance Agreement]**

Resolution authorizing the Director of Transportation to execute a cooperative agreement with the State of California Department of Transportation (Caltrans) and the Director of Public Works to execute a supplement to the Freeway Maintenance Agreement with the State of California, Department of Transportation (Caltrans). (Municipal Transportation Agency)

(No Public Benefit Recipient.)

8/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021533 **[State grant for medical services to indigent persons]**

Supervisors Daly, Leno, Newsom

Resolution authorizing the Department of Public Health to accept and expend retroactively a grant allocation for up to $4,136,456 for Fiscal Year 2002-03 funding from the State Department of Health Services for California Healthcare for Indigents Program (CHIP) funds for medical services to indigent persons, professional services, medical services contracts, materials and supplies, facilities rental, personal services, and indirect costs in the amount of $60,541, based on 11.8% of administrative and fiscal intermediary costs; for the period of July 1, 2002, to June 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)

9/3/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be scheduled for consideration at the September 19, 2002 meeting.

021534 **[Grant Federal Funds]**

Resolution authorizing the Municipal Transportation Agency Board to accept and expend $66,231,753 of Federal Formula Section 5307, Congestion Mitigation and Air Quality (CMAQ) and Surface Transportation Program (STP) Capital Assistance for San Francisco capital projects and activities, including Administrative Overhead Costs. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

8/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021542 **[Refugee County Plan]**

Resolution approving the San Francisco Federal Fiscal Year 2002 Refugee County Plan. (Private Industry Council)

(Public Benefit Recipient.)

9/13/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021543 **[Contract funds for SFHIV Vaccine Clinical Trials Unit]**

Supervisors Daly, Leno

Resolution authorizing the Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $325,345 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the third year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN); for the period of June 1, 2002 to May 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

8/22/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Requests Granted

From: Supervisor Newsom
To: Director, Department of Parking and Traffic
Requesting/Inquiring: To evaluate the following street intersections for traffic and safety improvements:
1. Lombard and Broderick Streets
2. Octavia and Francisco Streets
3. Octavia and Gough Streets

From: Supervisor Newsom
To: City Attorney
Requesting/Inquiring: To draft legislation, which would:
1. Require the Board of Supervisors to submit for action any legislation at least 60-days prior to the last day for filing with the Department of Elections ordinances and policy declarations intended for voter approval; and
2. Require the Board of Supervisors to calendar such an ordinance of policy declaration for a public hearing within 15 days after such submission; and
3. Require the Board of Supervisors to vote to enact or reject the ordinance or policy declaration within 30 days after such submission. If rejected or amended in a manner unacceptable to the sponsor(s), the ordinance or policy declaration could then be submitted to the voters.

From: Supervisor Newsom
To: City Attorney
Requesting/Inquiring: To draft legislation adding a new section of the Police Code, (similar to Park Code, Section 4.08) which would prohibit a person from interfering with or in any manner hinder any "City or Contract" employee working on City property or attending to City streets/sidewalks.

From: Supervisor Hall
To: Director, Department of Parking and Traffic
Requesting/Inquiring: To report how the Department investigates citizens' complaints of Parking Control Officers and, generally, what is the department oversight process of these officers?

From: Supervisor Hall
To: Director, Department of Parking and Traffic
Requesting/Inquiring: What suggestions does the Department have to improve pedestrian and vehicular safety at the intersection of Portola Drive and Claremont? What steps must be taken to make these improvements?

From: Supervisor Hall
To: City Attorney
Requesting/Inquiring: To draft legislation that will disband any commission, task force, working group, committee, etc. of the City that has not met in the last four months. Moreover, I would like the legislation to look forward by applying itself to current and future committees that are meeting or will meet, but will be forced to sunset should they not meet within four months.

From: Supervisor Leno
To: City Attorney
Requesting/Inquiring: To draft legislation that would end any inequity that may exist in treatment of domestic partners and married couples regarding reassessment of property when one partner dies.

From: Supervisor Leno
To: City Attorney
Requesting/Inquiring: To draft an ordinance banning the sale of sexual lubricants containing the spermicide nonoxynol-9 (N-9) in the City and County of San Francisco.

From: Supervisor Maxwell

To: Director, Port of San Francisco
Requesting/Inquiring: To report on the status of toxic soil materials stored at Pier 92, specifically:
1. According to the Port's lease (attached), toxic soil materials have been sitting on Port Property since 1988. Why has this toxic material been left untreated for so long and what is the current status of the toxic soil materials at Pier 92?
2. What are your current plans to treat or clean up this toxic soil material?
3. Once the toxic soil has been treated, what do you plan to do with the soil?

In Memoriams

Mayor Ralph Appezzato (Entire Board)
Nanette Armenta (Supervisor Hall)
Carol Toderico (Supervisor Yee)
Sheldon Rizen (Supervisor Ammiano)
Dina Harb (Supervisor Ammiano)
Barbara Kay Pendergast (Supervisor Leno)
Robert Mason (Supervisor Leno)
Jack Harte (Supervisor Sandoval)
Steven Cannata (Supervisors Newsom, Hall, Daly)

ADJOURNMENT

There being no further business, the Board at the hour of 3:20 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on October 15, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

DOCUMENTS DEPT
DEC 27 2002
SAN FRANCISCO
PUBLIC LIBRARY

Monday, September 23, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1st and 3rd Tuesday 1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair. of the Committee.

Volume 97 Number 36

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
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San Francisco, CA 94102-4689

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Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 36

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisor was noted absent:

Supervisor McGoldrick -1

Quorum present.

Supervisor McGoldrick was noted present at 2:03 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Leno, seconded by Supervisor Peskin, moved to approve meeting minutes of August 12, 2002. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

AGENDA CHANGES

COMMUNICATIONS

Privilege of the Floor

Supervisor Sandoval, seconded by Supervisor Leno, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

Supervisor Hall introduced, welcomed and presented a Certificate of Honor to students from St. Gabriel's School founders of the "Cuz We Care" program.

Supervisor Ammiano introduced and welcomed members of the "Green Fleets Team."

Supervisor Leno introduced, welcomed and presented a Certificate of Honor to Randy Zurcher.

CONSENT AGENDA

Recommendations of the Rules and Audits Committee

021530 **[Settlement of Lawsuit - Mary Lou Cordero]**

Ordinance authorizing settlement of the lawsuit filed by Mary Lou Cordero against the City and County of San Francisco for $100,000; the lawsuit was filed on August 27, 2001, in the San Francisco Superior Court, Case No. 324-064; entitled Mary Lou Cordero v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

021532 **[Settlement of Grievance - Gabriel Castillo]**

Ordinance authorizing settlement of the grievance (ERD No. 83-02-0790) of Gabriel Castillo against the City and County of San Francisco for $93,938.15 (including $72,427.50 to Castillo as back wages; $16,392.08 to the City's Retirement System to make up shortages in Castillo's retirement account; $3,938.15 to the City's Retirement System as reimbursement for withholding tax and health coverage premiums; and $1,180.42 as a lump sum payment to Castillo). Other material terms of said settlement are Castillo shall not seek future employment with the City and he shall release all claims relating to his dismissal as a 2320 Registered Nurse. Castillo shall also return all uncashed pension warrants in the amount of $19,625.24 to the Office of the City Attorney. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

021452 **[Settlement of Claim]**

Resolution approving the settlement of the unlitigated claim filed by Elizabeth Clot against San Francisco for $75,000; claim was filed on July 12, 2002. (City Attorney)

(Public Benefit Recipient.)

Resolution No. 654-02
ADOPTED

011570 **[Appointment]**

Resolution appointing Richard Castro and Carl Rose, terms ending June 30, 2003, to the Asthma Task Force, residency requirement waived. (Clerk of the Board)

Carl Rose (residency requirement waived), succeeding Ben Loewy, seat 13, must be a representative of lung health/asthma-specific organization, for the unexpired portion a two-year term ending June 30, 2003; Richard Castro, succeeding John Balmes, seat 19, must be an individual who is an academic researcher or educator concerned with asthma issues, for the unexpired portion a two-year term ending June 30, 2003.

Resolution No. 652-02
ADOPTED

021547 **[Appointment]**

Resolution appointing Toye Moses, term ending September 4, 2006, to the Delinquency Prevention Commission.

Toye Moses, new position, seat 8, must be nominated by District 8 Supervisor for a new 4-year term ending September 4, 2006.

Resolution No. 656-02
ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

021241 **[Appeal, Conditional Use, 1598 Dolores Street]**

Motion approving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Leno, seconded by Supervisor Maxwell, moved an amendment of the whole.
Amendment passed by the following vote:
Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Peskin
Noes: 5 - Daly, Hall, Newsom, Sandoval, Yee

Motion as amended failed adoption by the following vote:
Ayes: 7 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin
Noes: 4 - Daly, Newsom, Sandoval, Yee

Supervisor Hall, seconded by Supervisor Yee, moved to rescind the previous vote.
Motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Motion as amended failed adoption by the following vote:
Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Peskin
Noes: 5 - Daly, Hall, Newsom, Sandoval, Yee

Supervisor McGoldrick noted absent at 2:25 p.m.
Supervisor Newsom noted absent at 3:55 p.m.

Supervisor Leno, seconded by Supervisor Maxwell, moved to continue this matter to September 30, 2002.
Motion to continue carried by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

Continued to September 30, 2002

Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Gonzalez, Leno, Maxwell, Peskin
Noes: 4 - Daly, Hall, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

021242 **[Appeal, Conditional Use, 1598 Dolores Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 30, 2002

Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Gonzalez, Leno, Maxwell, Peskin
Noes: 4 - Daly, Hall, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

021243 **[Findings - 1598 Dolores Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2000.1058C, on property located 1598 Dolores Street, for action by the Board at its next meeting.

Continued to September 30, 2002

Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 5 - Ammiano, Gonzalez, Leno, Maxwell, Peskin
Noes: 4 - Daly, Hall, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

From the Clerk

021245 **[Appeal, Conditional Use, 2863 California Street]**

Motion approving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1.

Continued to September 30, 2002

CONTINUED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

021246 **[Appeal, Conditional Use, 2863 California Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to September 30, 2002

CONTINUED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

021247 **[Findings - 2863 California Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0408C, on property located 2863 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to September 30, 2002

CONTINUED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

From Rules and Audits Committee "Without Recommendation"

020597 [Establishing Board of Supervisors Regular Meeting Days]
Supervisors Gonzalez, Newsom, Daly

Resolution establishing Tuesdays at 2 p.m. as the regular meeting days and times of the Board of Supervisors, beginning on February 4, 2003; rescinding Resolution No. 186-87, effective January 28, 2003, which established Mondays at 2 p.m. as the days and times of regular meetings of the Board of Supervisors.

Continued to September 30, 2002
Supervisor Gonzalez, seconded by Supervisor Daly, moved that this Resolution be CONTINUED. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

020618 [Amending the Rules of the Board to schedule regular Board meetings on Tuesdays at 2pm effective the week of February 2, 2003.]
Supervisors Gonzalez, Daly

Motion amending Rule 6.2 of the Rules of Order of the Board of Supervisors to require the scheduling of regular meetings of the Board of Supervisors on Tuesdays at 2 p.m., instead of Mondays at 2 p.m., effective the week of February 2, 2003. (Clerk of the Board)

(Companion measure to File 020597.)

Supervisor Daly requested to be added as a co-sponsor.
Continued to September 30, 2002
Supervisor Gonzalez, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

Recommendation of the Transportation and Commerce Committee

021191 [Zoning Map Amendment in connection with Laguna Honda Replacement Project]
Supervisors Hall, Newsom

Ordinance amending Zoning Map Sheet 6H of the City and County of San Francisco for property located at Assessor's Block 2842 to change the height district classification from 80D to 90D and a portion of the area designated as OS to 90D; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

(Companion measure to File 021183.)

Ordinance No. 201-02
FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

NEW BUSINESS

Recommendation of the Public Works and Public Protection Committee

021454 **[UCSF Mission Bay Campus - Utility Crossings and an at grade pedestrian crossing]**
Supervisor Leno

Resolution granting revocable permission to Regents of the University of California to occupy a portion of the public right-of-ways to construct, install and maintain utility crossings and joint trenches on future 4th and Owens Streets, and on future South Common Street, for providing various services to the new UCSF Mission Bay Campus; and to construct and maintain an at grade pedestrian crossing at a future mid-block signalized intersection on future 4th Street at future private 14th Street and making findings of consistency with the City General Plan and eight priority policies of the City Planning Code Section 101.1. (Public Works Department)

Supervisor Yee requested that this item be continued to September 30, 2002.

Supervisor Yee, seconded by Supervisor Sandoval, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Hall, Newsom, Peskin, Sandoval, Yee
Noes: 3 - Daly, Leno, Maxwell
Absent: 1 - McGoldrick

Recommendations of the Rules and Audits Committee

021260 **[Citizens Advisory Committee for Natural Areas Program]**
Supervisor Yee

Resolution establishing a Board of Supervisors Citizens Advisory for the Recreation and Parks Natural Areas Program.

Supervisor Gonzalez presented an amendment of the whole bearing new title.

Supervisor Gonzalez, seconded by Supervisor Peskin, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisor McGoldrick noted present at 3:33 p.m.

Resolution establishing a Board of Supervisors Citizens Advisory Committee of twelve members for the Recreation and Parks Natural Areas Program; establishing a sunset date of December 1, 2003.

Supervisor Gonzalez requested to be added as a co-sponsor.

Resolution No. 653-02

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021531 [Settlement of Lawsuit - Silvia Landau]
Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by Silvia Landau against the City and County of San Francisco for $73,000; the lawsuit was filed on April 27, 2000 in San Francisco Superior Court, Case No. 311768, entitled Silvia Landau v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

9/18/02 Supervisor Sandoval dissenting in committee.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021546 [Appointment]

Resolution appointing Terry Giovannini, term ending April 29, 2006, to the Children and Families Trust Fund Commission.

Terry Giovannini, succeeding Margaret Brodkin, Seat 5, shall represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies, for a new four-year term ending April 29, 2006.

9/18/02 Supervisor Gonzalez dissenting in committee.

Amended on line 3 by replacing "Terry Giovannini" with "Margaret Brodkin" (New Title). Further amended on line 10 by replacing "Terry Giovannini, succeeding Margaret Brodkin, Seat 5" with "Margaret Brodkin, succeeding herself, Seat 5".

Supervisor Peskin, seconded by Supervisor Daly, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 6 - Ammiano, Daly, Leno, Maxwell, McGoldrick, Peskin
Noes: 4 - Gonzalez, Hall, Sandoval, Yee
Absent: 1 - Newsom

Motion to refer to committee failed by the following vote:
Ayes: 4 - Gonzalez, Maxwell, Sandoval, Yee - 4
Noes: 6 - Ammiano, Daly, Hall, Leno, McGoldrick, Peskin
Absent: 1 - Newsom

Supervisor Hall, seconded by Supervisor Gonzalez, moved to rescind the previous vote
Motion to rescind failed by the following vote:
Ayes: 5 - Gonzalez, Hall, Maxwell, Sandoval, Yee
Noes: 5 - Ammiano, Daly, Leno, McGoldrick, Peskin
Absent: 1 - Newsom

Resolution appointing Margaret Brodkin, term ending April 29, 2006, to the Children and Families Trust Fund Commission.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 655-02

ADOPTED AS AMENDED by the following vote:

Ayes: 6 - Ammiano, Daly, Leno, Maxwell, McGoldrick, Peskin
Noes: 4 - Gonzalez, Hall, Sandoval, Yee
Absent: 1 - Newsom

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdalla Megahed: stop the war
Reuben David Goodman; assaults and abuse of homeless
Richard Robinson; homelessness
Bob Tom Kastl; Fleet Week and free transportation for military
John M. Kelly; insufficient funding for DNA lab
Alvin Jones; housing issues
Francis Da Costa; general issues
Andrew Bozeman; Bayview Hunters Point

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021536 **[Closed Session - Anticipated Litigation as Plaintiff or Defendant]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur regarding potential construction-related disputes.

This closed session would be permitted by Government Code Section 54956.9(b) (1) and 54956.9(c), and San Francisco Administrative Code Section 67.10(d) (2). (City Attorney)

TABLED.

[Elect To Disclose]
Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021552 **[Oppose Federal Intervention Collective Bargaining - International Longshore and Warehouse Union]**
Supervisors Sandoval, Newsom, Yee, McGoldrick, Maxwell, Ammiano, Daly, Gonzalez, Leno, Peskin

Resolution opposing Federal intervention in the collective bargaining process between the International Longshore and Warehouse Union and the Pacific Maritime Association in San Francisco.

Supervisors Leno and Peskin requested to be added as co-sponsors.

Resolution No. 657-02
ADOPTED

021553 **[Commend Developing Environments Artists]**
Supervisors Daly, Sandoval

Resolution commending the Developing Environments Artists in the Royce Artists Building on their 30th year anniversary.

Supervisor Sandoval requested to be added as a co-sponsor.

Resolution No. 658-02
ADOPTED

021554 **[Support Proposition 50, Clean Water and Coastal Protection Bond]**
Supervisors Daly, Sandoval, Peskin

Resolution supporting Proposition 50, the Clean Water and Coastal Protection Bond.

Supervisors Sandoval and Peskin requested to be added as co-sponsors.

Resolution No. 659-02
ADOPTED

021555 **[Extend Juvenile Justice Advisory Committee]**
Supervisor Gonzalez

Resolution extending the Juvenile Justice Advisory Committee's term of operation for an additional six months.

Resolution No. 660-02
ADOPTED

021556 **[Declare October 20 - 26 National Operator Appreciation Week]**
Supervisors Yee, Sandoval

Resolution declaring October 20 - October 26 as National Operator Appreciation Week.

Supervisor Sandoval requested to be added as a co-sponsor.
Resolution No. 661-02
ADOPTED

021557 **[Support Assembly Bill 117, Community Choice Bill]**
Supervisors Ammiano, Daly

Resolution supporting Assembly Bill 117, the Community Choice Bill.

Supervisor Daly requested to be added as a co-sponsor.
Resolution No. 673-02
ADOPTED

021558 **[Support Proposition 47, Kindergarten-University Public Education Facilities Bond Act]**
Supervisors Ammiano, Sandoval, Daly

Resolution supporting Proposition 47, the Kindergarten-University Public Education Facilities Bond Act of 2002.

Supervisors Sandoval and Daly requested to be added as co-sponsors.
Resolution No. 662-02
ADOPTED

021559 **[Honor Reverend Louis Vitale]**
Supervisors Ammiano, Newsom, Sandoval, Leno, Daly, Gonzalez

Resolution honoring Reverend Louis Vitale who has devoted over 40 years of his life to the service of others by declaring September 29th, 2002 as Fr. Louis Vitale Day.

Supervisors Sandoval, Leno, Daly and Gonzalez requested to be added as co-sponsors.
Resolution No. 663-02
ADOPTED

021560 **[Commend Sheldon Rizen]**
Supervisors Ammiano, Sandoval

Resolution commending Mr. Sheldon Rizen, an outstanding educator for the San Francisco Unified School District (SFUSD) and declaring September 28th, 2002 as Mr. Sheldon Rizen Day in the City and County of San Francisco.

Supervisor Sandoval requested to be added as a co-sponsor.
Resolution No. 664-02
ADOPTED

021561 [Commend City CarShare's Electrical Car Sharing Service]
Supervisors Newsom, Sandoval, Leno, Peskin, Daly, Gonzalez

Resolution commending City CarShare on its launch of electric car sharing service in San Francisco.

Supervisors Sandoval, Leno, Peskin, Daly and Gonzalez requested to be added as co-sponsors.

Resolution No. 665-02
ADOPTED

021562 [Commend Family Connections, San Bruno Merchants, Portola Community for San Bruno Avenue Festival Day]
Supervisors Maxwell, Sandoval, Leno

Resolution to commend Family Connections, San Bruno Merchants Association and the greater Portola community for their efforts to revitalize their neighborhood and proclaim Sunday, September 29, 2002 as San Bruno Avenue Community Festival Day in San Francisco.

Supervisors Sandoval and Leno requested to be added as co-sponsors.

Resolution No. 666-02
ADOPTED

021563 [Commend DTIS launch of new SFGTV]
Supervisors Daly, Sandoval

Resolution commending the Department of Telecommunications and Information Services on the occasion of the launch of SFGTV.

Supervisor Sandoval requested to be added as a co-sponsor.

Resolution No. 667-02
ADOPTED

021564 [Commend Martina Gillis]
Supervisors Ammiano, Sandoval, Leno, Daly

Resolution of appreciation and recognition of Martina Gillis for her vision, leadership, and years of commitment on behalf of the people of the City and County of San Francisco.

Supervisors Sandoval, Leno, and Daly requested to be added as co-sponsors.

Resolution No. 668-02
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Gonzalez, moved. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Daly, seconded by Supervisor Gonzalez, moved. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

021595 [Commend LIKHA Filipino Folk Ensemble]
Supervisors Daly, Sandoval, Leno

Resolution commending LIKHA Filipino Folk Ensemble for their 10th Anniversary Concert "Dekada, Celebrating a Decade of Philippine Dance and Music", and their continuing efforts in educating the public about Filipino culture through ethnic dance and music.

Supervisor Leno requested to be added as a co-sponsor.

Resolution No. 669-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Leno, seconded by Supervisor Daly, moved. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Leno, seconded by Supervisor Daly, moved. The motion carried by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

021596 **[Urging Governor Davis to sign AB 2651]**
Supervisors Leno, Peskin, Ammiano

Resolution urging Governor Gray Davis to sign AB 2651 (Chu) which would prohibit discrimination and harassment against foster youth and foster parents based on sexual orientation, gender identity and HIV/AIDS status.

Resolution No. 670-02

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

021597 **[Urging the U.S. Congress to Oppose War with Iraq]**
Supervisors Leno, Peskin, Ammiano, Daly, Sandoval, McGoldrick, Gonzalez

Resolution urging the U.S. Congress to oppose military action in Iraq.

Supervisor Hall requested this item be referred to Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021598 **[Amend Planning Code Section 207.2 - Secondary Units]**
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area on a lot within 1250 feet of a Primary Transit Street or Transit Center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities and to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; and by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; adopting findings.

9/23/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 10/23/2002.

021609 [Planning Commission - Alternative Review Process]
Supervisor Peskin

Reenactment of emergency ordinance amending the San Francisco Planning Code by amending Section 306, and amending the San Francisco Administrative Code by amending Sections 2A.53 and 31.04, to provide for an alternative process to Planning Commission review where the Planning Commission is unable to meet because a majority of its members has not been appointed; adopting declaration of emergency under Charter Section 2.107; and setting forth period of time within which this reenacted emergency ordinance shall be operative.
9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee. Sponsor requests this item be scheduled for consideration at the October 1, 2002 meeting.

Resolutions

021595 [Commend LIKHA Filipino Folk Ensemble]
Supervisors Daly, Sandoval, Leno

Resolution commending LIKHA Filipino Folk Ensemble for their 10th Anniversary Concert "Dekada, Celebrating a Decade of Philippine Dance and Music", and their continuing efforts in educating the public about Filipino culture through ethnic dance and music.
9/23/02, ADOPTED. Supervisor Leno requested to be added as a co-sponsor.

021596 [Urging Governor Davis to sign AB 2651]
Supervisors Leno, Peskin, Ammiano

Resolution urging Governor Gray Davis to sign AB 2651 (Chu) which would prohibit discrimination and harassment against foster youth and foster parents based on sexual orientation, gender identity and HIV/AIDS status.
9/23/02, ADOPTED.

021597 [Urging the U.S. Congress to Oppose War with Iraq]
Supervisors Leno, Peskin, Ammiano, Daly, Sandoval, McGoldrick, Gonzalez

Resolution urging the U.S. Congress to oppose military action in Iraq.
9/23/02, REFERRED to Rules and Audits Committee.

021599 [Approval of Ferry Building Sublease Agreement]
Supervisor Peskin

Resolution approving Sublease between Ferry Building Associates, LLC, as sublandlord, and San Francisco Port Commission, as subtenant, for the Port Commission Hearing Room and Ancillary Premises, located in the Ferry Building.

(Fiscal impact; No Public Benefit Recipient.)
9/23/02, RECEIVED AND ASSIGNED to Finance Committee.

021600 **[Touch Screen Voting Machines]**
Supervisors Gonzalez, Peskin

Resolution urging the Department of Elections and the Elections Commission to take steps necessary to acquire touch-screen voting machines utilizing state Proposition 41 funds and federal grant funds allocated by Congress and implement the use of touch-screen voting technology at the earliest possible date.
9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021601 **[Authorizing Planning Director to accept and expend a $15,000 grant from BART]**
Supervisor Leno

Resolution authorizing the Director of the Planning Department to accept and expend funds totaling $15,000 from the Bay Area Rapid Transit (BART) for the Glen Park BART Station Area Plan Project in the City and County of San Francisco.

(No Public Benefit Recipient.)
9/23/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. Sponsor requests this item be scheduled for consideration at the October 10, 2002 meeting , with a companion resolution in File No. 021521.

021602 **[Opposing Proposition 51]**
Supervisors Ammiano, Gonzalez, Daly

Resolution opposing Proposition 51 on the November 5th, 2002 Statewide ballot.
9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021603 **[Create 12 member Homeless Senior Task Force]**
Supervisors Daly, Leno

Resolution establishing a 12 member Homeless Senior Task Force.
9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021604 **[Urge SF League of Urban Gardeners not sell the community garden on Page Street]**
Supervisors Gonzalez, Daly

Resolution urging the San Francisco League of Urban Gardeners to not sell the community garden on Page Street between Buchanan and Webster, but rather to ensure that it remains as green space.
9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021605 **[Urge Federal and State Government Action and Employer Accountability]**
Supervisors Maxwell, Yee, McGoldrick, Daly, Peskin, Leno

Resolution on behalf of the former Wins Garment Workers Urging Federal and State Government Action and Employer Accountability.
9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021606 [Oppose UCSF subcontract custodial services]
Supervisors Sandoval, Daly, Gonzalez, Yee, Leno, Peskin, McGoldrick

Resolution opposing the University of California at San Francisco (UCSF) decision to subcontract custodial services at UCSF Mission Bay Campus.
9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021607 [Urge Governor Gray Davis to sign Senate Bill 987]
Supervisors Yee, Leno

Resolution urging Governor Gray Davis to sign into law Senate Bill 987, improving language access to government services.
9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021608 [Commend Wu Yee Children's Services]
Supervisors Peskin, Gonzalez, Daly, Leno, Newsom

Resolution commending Wu Yee Children's Services' role as one of the largest comprehensive bilingual and multicultural child development providers in San Francisco and declaring September 28, 2002 "Wu Yee Children's Services Day" in San Francisco.
9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

021610 [San Francisco Pool Hours]
Supervisor Yee

Hearing regarding the reduction of pool hours at San Francisco pools.
9/23/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

021611 [Actions being implemented by the Mayor's Office to minimize the current year's (2002-03) budget deficit]
Supervisor Peskin

Hearing regarding actions being implemented by the Mayor's Office to minimize the current year's (2002-03) budget deficit, including the postponement of certain previously approved programs.
9/23/02, RECEIVED AND ASSIGNED to Finance Committee.

021612 [Transgender Civil Rights Implementation Task Force]
Supervisor Leno

Hearing to consider the final report and recommendations of the Transgender Civil Rights Implementation Task Force that just completed two years of groundbreaking work.
9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021613 [S. F. Children and Families Commission]
Supervisor Gonzalez

Hearing regarding the San Francisco Children and Families Commission including, but not limited to, the requirements imposed by the state law on this commission, the composition of the commission, and the scope of work of the commission's activities.
9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021614 [Halloween Activities]
Supervisor Ammiano

Hearing on the activities surrounding Halloween.
9/23/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

Motions

021594 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
9/23/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021615 [Legislative Analyst Request]
Supervisor Hall

Motion asking the Legislative Analyst to compare and contrast San Jose's recently enacted "Blight Ordinance" to San Francisco's Planning Code; compare and contrast the enforcement procedures and enforcement capabilities of the City of San Jose to the City and County of San Francisco.
9/23/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration September 30, 2002.

021618 [Appointment, Planning Commission]
Mayor

Motion approving the Mayor's nomination of Michael Antonini to Seat No. 4 of the Planning Commission, term to be determined by lot. (Mayor)

Michael Antonini, new position, Seat No. 4, must be nominated by the Mayor, term to be determined by lot.
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021619 [Appointment, Planning Commission]
Mayor

Motion rejecting the Mayor's nomination of Michael Antonini to Seat No. 4 of the Planning Commission. (Mayor)
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021620 [Appointment, Planning Commission]
Mayor

Motion approving the Mayor's nomination of Shelley Bradford Bell to Seat No. 5 of the Planning Commission, term to be determined by lot. (Mayor)

Shelley Bradford Bell, new position, Seat No. 5, must be nominated by the Mayor, term to be determined by lot.
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021621 [Appointment, Planning Commission]
Mayor

Motion rejecting the Mayor's nomination of Shelley Bradford Bell to Seat No. 5 of the Planning Commission. (Mayor)
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021622 [Appointment, Planning Commission]
Mayor

Motion approving the Mayor's nomination of Edgar Boyd to Seat No. 6 of the Planning Commission, term to be determined by lot. (Mayor)

Edgar Boyd, new position, Seat No. 6, must be nominated by the Mayor, term to be determined by lot.
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021623 [Appointment, Planning Commission]
Mayor

Motion rejecting the Mayor's nomination of Edgar Boyd to Seat No. 6 of the Planning Commission. (Mayor)
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021624 [Appointment, Planning Commission]
Mayor

Motion approving the Mayor's nomination of Jeffrey Chen to Seat No. 7 of the Planning Commission, term to be determined by lot. (Mayor)

Jeffrey Chen, new position, Seat No. 7, must be nominated by the Mayor, term to be determined by lot.
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021625 [Appointment, Planning Commission]
Mayor

Motion rejecting the Mayor's nomination of Jeffrey Chen to Seat No. 7 of the Planning Commission. (Mayor)
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021626 [Appointment, Board of Appeals]
Mayor

Motion approving the Mayor's nomination of Arnold Chin to Seat No. 3 of the Board of Appeals, term to be determined by lot. (Mayor)

Arnold Chin, new position, Seat No. 3, must be nominated by the Mayor, term to be determined by lot.
9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021627 [Appointment, Board of Appeals]
Mayor

Motion rejecting the Mayor's nomination of Arnold Chin to Seat No. 3 of the Board of Appeals. (Mayor)
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021628 [Appointment, Board of Appeals]
Mayor

Motion approving the Mayor's nomination of Kathleen Harrington to Seat No. 4 of the Board of Appeals, term to be determined by lot. (Mayor)

Kathleen Harrington, Seat No. 4, must be nominated by the Mayor, term to be determined by lot.
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021632 [Appointment, Board of Appeals]
Mayor

Motion rejecting the Mayor's nomination of Kathleen Harrington to Seat No. 4 of the Board of Appeals. (Mayor)
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021633 [Appointment, Board of Appeals]
Mayor

Motion approving the Mayor's nomination of Sabrina Saunders to Seat No. 5 of the Board of Appeals, term to be determined by lot. (Mayor)

Sabrina Saunders, Seat No. 5, must be nominated by the Mayor, term to be determined by lot.
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021634 [Appointment, Board of Appeals]
Mayor

Motion rejecting the Mayor's nomination of Sabrina Saunders to Seat No. 5 of the Board of Appeals. (Mayor)
9/24/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED ORDINANCES

020890 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuits filed by Harsch Investment Corp. against the City and County of San Francisco for Harsch's payment of $1,464,000.00 to four affordable housing projects; the lawsuits were filed on July 19, 1994 in San Francisco Superior Court, Case No. 962-445; on November 12, 1996 in San Francisco Superior Court, Case No. 982-474; and on February 23, 1994 in United States District Court, Northern District of California, Case No. C-94-0629-DLJ; all entitled Harsch Investment Corp., v. City and County of San Francisco, et al. (City Attorney)

(No Public Benefit Recipient.)
9/12/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021535 **[Settlement of Unlitigated Contractual Dispute]**
Supervisor Gonzalez

Ordinance authorizing settlement of the unlitigated contractual dispute between the City and County of San Francisco and Health Management Systems, Inc. for a $550,000 payment to the City and amendment to the contract. (City Attorney)

(No Public Benefit Recipient.)
9/18/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED RESOLUTIONS

020964 **[Mental health services from the San Francisco Public Health to the Comprehensive Asian Preschool Services (CAPS) Project]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into an agreement in the amount of $33,000 with Asian American Recovery Services, Inc. (AARS), the primary contractor, to continue participating in the implementation of the Comprehensive Asian Preschool Services (CAPS) project; for the period of August 6, 2002, to December 31, 2002. (Public Health Department)

(No Public Benefit Recipient.)
9/16/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021159 **[Participate in development of a system to provide early and accurate detection of biological threats]**

Resolution authorizing the City and County of San Francisco, Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $33,440 with The Board of Trustees of the Leland Stanford Junior University (STANFORD), the primary contractor, to participate in the development of a system to detect biological threats; for the period of February 10, 2002 to February 11, 2003. (Public Health Department)

(No Public Benefit Recipient.)
9/17/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021252 **[Support Implementation of a federally mandated evaluation system]**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (DPHAO) to enter retroactively into an agreement with the California Department of Health Services Office of AIDS (OA), the primary contractor, and expend funds in the amount of $25,310 for evaluation services; for the period of July 1, 2002 to December 31, 2002. (Public Works Department)

(No Public Benefit Recipient.)
9/17/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021542 **[Refugee County Plan]**

Resolution approving the San Francisco Federal Fiscal Year 2002 Refugee County Plan. (Private Industry Council)

(Public Benefit Recipient.)
9/13/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Requests Granted

From: Supervisor Hall
To: City Attorney
Requesting/Inquiring: To draft a memorandum discussing the impact of the three bills, regarding Hetch Hetchy Revenue Bonds, should the Governor sign them, and to explain what, if any, avenues of litigation are available to the City and County of San Francisco to prevent the implementation of these bills.

From: Supervisor Leno
To: City Attorney
Requesting/Inquiring: To draft legislation creating a permit for cigarette promotions in bars.

From: Supervisor Sandoval
To: Director, Department of Public Works
Requesting/Inquiring: To investigate and report on the lack of maintenance and upkeep performed on the city easement located behind the 1300 block of Cayuga Avenue.

From: Supervisor Ammiano
To: General Manager, Recreation and Parks Department
Requesting/Inquiring: Requesting assistance in following up with the Legislative Analyst's report on professional women's sports. (See attached.)

From: Supervisor Gonzalez
To: City Attorney
Requesting/Inquiring: Requesting the City Attorney brief the Board of Supervisors in a closed session to discuss Article 35A of the Police Code.

From: Supervisor Gonzalez
To: Director, Department of Elections
Requesting/Inquiring: To report on the steps the Department of Elections is taking to implement instant run-off voting for the November 2003 general election.

In Memoriams

Peter Antonini (Supervisor Hall)
Catherine Ring (Supervisor Hall)
Eric Weinmann (Supervisor Leno)
Harvey Milton Matthews (Supervisors Maxwell, Ammiano)

ADJOURNMENT

There being no further business, the Board at the hour of 6:01p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on October 21, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

DOCUMENTS DEPT.
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Monday, September 30, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO, SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1st and 3rd Tuesday 1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 37

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

The meeting was called to order at 2:01 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Hall, McGoldrick, Newsom, Sandoval, Yee - 5

Quorum present.

Supervisors Hall, Newsom, Yee were noted present at 2:02 p.m.
Supervisor Sandoval was noted present at 2:03 p.m.
Supervisor McGoldrick was noted present at 2:08 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Leno, seconded by Supervisor Peskin, moved to approve the minutes of August 19, 2002. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Peskin
Absent: 5 - Hall, McGoldrick, Newsom, Sandoval, Yee

AGENDA CHANGES

Supervisor Yee informed the Board that File No. 021454 would be referred to Committee. (See Infra)

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Finance Committee

021470 **[Contracting Out Budget Analyst Services]**

Resolution concurring with the Controller's certification that Budget Analyst services can be practically performed by a private contractor for lower cost than similar work services performed by City and County employees. (Clerk of the Board)

Resolution No. 680-02
ADOPTED

Recommendations of the Health and Human Services Committee

021533 **[State grant for medical services to indigent persons]**
Supervisors Daly, Leno, Newsom

Resolution authorizing the Department of Public Health to accept and expend retroactively a grant allocation for up to $4,136,456 for Fiscal Year 2002-03 funding from the State Department of Health Services for California Healthcare for Indigents Program (CHIP) funds for medical services to indigent persons, professional services, medical services contracts, materials and supplies, facilities rental, personal services. and indirect costs in the amount of $60,541, based on 11.8% of administrative and fiscal intermediary costs; for the period of July 1, 2002, to June 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Supervisors Leno and Newsom requested to be added as co-sponsors.
Resolution No. 672-02
ADOPTED

021543 **[Contract funds for SFHIV Vaccine Clinical Trials Unit]**
Supervisors Daly, Leno

Resolution authorizing the Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $325,345 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the third year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN); for the period of June 1, 2002 to May 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Supervisor Leno requested to be added as a co-sponsor.
Resolution No. 671-02
ADOPTED

Recommendations of the Rules and Audits Committee

021530 **[Settlement of Lawsuit - Mary Lou Cordero]**

Ordinance authorizing settlement of the lawsuit filed by Mary Lou Cordero against the City and County of San Francisco for $100,000; the lawsuit was filed on August 27, 2001, in the San Francisco Superior Court, Case No. 324-064; entitled Mary Lou Cordero v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 204-02

FINALLY PASSED

021532 **[Settlement of Grievance - Gabriel Castillo]**

Ordinance authorizing settlement of the grievance (ERD No. 83-02-0790) of Gabriel Castillo against the City and County of San Francisco for $93,938.15 (including $72,427.50 to Castillo as back wages; $16,392.08 to the City's Retirement System to make up shortages in Castillo's retirement account; $3,938.15 to the City's Retirement System as reimbursement for withholding tax and health coverage premiums; and $1,180.42 as a lump sum payment to Castillo). Other material terms of said settlement are Castillo shall not seek future employment with the City and he shall release all claims relating to his dismissal as a 2320 Registered Nurse. Castillo shall also return all uncashed pension warrants in the amount of $19,625.24 to the Office of the City Attorney. (City Attorney)

(Public Benefit Recipient.)

Ordinance No. 206-02

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Rules and Audits Committee

021531 [Settlement of Lawsuit - Silvia Landau]
Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by Silvia Landau against the City and County of San Francisco for $73,000; the lawsuit was filed on April 27, 2000 in San Francisco Superior Court, Case No. 311768, entitled Silvia Landau v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

9/18/02 Supervisor Sandoval dissenting in committee.

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 205-02

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

From Rules and Audits Committee "Without Recommendation"

020597 [Establishing Board of Supervisors Regular Meeting Days]
Supervisors Gonzalez, Newsom, Daly

Resolution establishing Tuesdays at 2 p.m. as the regular meeting days and times of the Board of Supervisors, beginning on February 4, 2003; rescinding Resolution No. 186-87, effective January 28, 2003, which established Mondays at 2 p.m. as the days and times of regular meetings of the Board of Supervisors.

Resolution No. 675-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Sandoval, Yee
Noes: 1 - Peskin
Absent: 1 - McGoldrick

020618 [Amending the Rules of the Board to schedule regular Board meetings on Tuesdays at 2pm effective the week of February 2, 2003.]
Supervisors Gonzalez, Daly

Motion amending Rule 6.2 of the Rules of Order of the Board of Supervisors to require the scheduling of regular meetings of the Board of Supervisors on Tuesdays at 2 p.m., instead of Mondays at 2 p.m., effective the week of February 2, 2003. (Clerk of the Board)

(Companion measure to File 020597.)

Motion No. M02-159

APPROVED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Sandoval, Yee
Noes: 1 - Peskin
Absent: 1 - McGoldrick

From the Clerk

021241 **[Appeal, Conditional Use, 1598 Dolores Street]**

Motion approving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Noes: 2 - Daly, Sandoval

021242 **[Appeal, Conditional Use, 1598 Dolores Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16445, approving Conditional Use Application No. 2000.1058C, on property located at 1598 Dolores Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Leno, seconded by Supervisor Peskin, moved an amendment of the whole.
Amendment passed by the following vote:
Ayes: 6 - Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Peskin
Noes: 5 - Daly, Hall, Newsom, Sandoval, Yee

Motion as amended failed adoption by the following vote:
Ayes: 6 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin
Noes: 5 - Daly, Hall, Newsom, Sandoval, Yee

Supervisor Sandoval, seconded by Supervisor McGoldrick, moved an amendment of the whole.
Amendment failed by the following vote:
Ayes: 4 - Hall, McGoldrick, Sandoval, Yee
Noes: 7 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, Peskin

Supervisor Gonzalez, seconded by Supervisor Daly, moved an amendment of the whole.
Amendment passed by the following vote:
Ayes: 7 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin
Noes: 4 - Hall, Newsom, Sandoval, Yee

Motion as amended failed adoption by the following vote:
Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin
Noes: 4 - Hall, Newsom, Sandoval, Yee

Supervisor Daly, seconded by Supervisor Sandoval, moved to table the item.
Motion to table failed by the following vote:
Ayes: 2 - Daly, Sandoval
Noes: 9 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee

Supervisor Leno, seconded by Supervisor Maxwell, moved an amendment of the whole.
Amendment passed by the following vote:
Ayes: 7 - Ammiano, Hall, Leno, Maxwelll, McGoldrick, Newsom, Yee
Noes: 4 - Daly, Gonzalez, Peskin, Sandoval

Motion No. M02-163

Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Noes: 2 - Daly, Sandoval

021243 **[Findings - 1598 Dolores Street]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2000.1058C, on property located 1598 Dolores Street, for action by the Board at its next meeting.

Motion No. M02-160

Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Noes: 2 - Daly, Sandoval

From the Clerk

021245 **[Appeal, Conditional Use, 2863 California Street]**
Motion approving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Newsom, seconded by Supervisor Leno, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021246 **[Appeal, Conditional Use, 2863 California Street]**
Motion disapproving decision of the Planning Commission by its Motion No. 16446, approving Conditional Use Application No. 2002.0408C, on property located at 2863 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Newsom, seconded by Supervisor Leno, moved an amendment of the whole.

Motion No. M02-164

Supervisor Newsom, seconded by Supervisor Leno, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021247 **[Findings - 2863 California Street]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0408C, on property located 2863 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M02-161

Supervisor Newsom, seconded by Supervisor Leno, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Recommendation of the Public Works and Public Protection Committee

021468 [Waste Diversion Goal]
Supervisors Ammiano, Leno, Daly, Gonzalez, Peskin

Resolution adopting a goal of 75% landfill diversion by the year 2010 and a long term goal of zero waste, with the date set once the 50% diversion goal is met, and adopting a policy of promoting the highest and best use of discarded materials and only allowing the use of alternative daily cover to be counted as credit toward meeting the diversion goals if there are no higher and better uses available, and urging the State of California to adopt similar goals.

On behalf of President Ammiano, Supervisor Leno, seconded by Supervisor Peskin, moved an amendment of the whole bearing a new title.
Supervisors Gonzalez and Peskin requested to be added as co-sponsors.
Supervisor Leno, seconded by Supervisor Peskin, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Resolution adopting a goal of 75% landfill diversion by the year 2010 and a long term goal of zero waste, with the date set by the San Francisco Commission on the Environment once the 50% diversion goal is met, and adopting a policy of promoting the highest and best use of discarded materials and only allowing the use of alternative daily cover to be counted as credit toward meeting the diversion goals if there are no higher and better uses available, and urging the State of California to adopt similar goals.

Resolution No. 679-02
ADOPTED AS AMENDED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

COMMITTEE REPORTS

021503 [Amend Subdivision Code Section 1308]
Supervisors McGoldrick, Ammiano, Gonzalez

Ordinance amending the San Francisco Subdivision Code by amending Section 1308 to provide that a tenant may also be an owner of record of the property and to remove the requirement that a tenant have an exclusive right to occupy a unit; amending Section 1316 to address the formation of tenancies in common in buildings of seven units or more; and making this Ordinance retroactive to November 1, 2002.

Supervisors Ammiano and Gonzalez requested to be added as co-sponsors.
PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Richard Robertson; Appreciation of a homeless program
Lois Roberts; Oppose War with Iraq
James Chaffee; SF Public Library issues
Male Speaker; Homeless issues
Jean Lynch; Support legislation against electrical scooters
Thomas Agean; Chinatown Center resident

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

021615 [Legislative Analyst Request]
Supervisor Hall

Motion asking the Legislative Analyst to compare and contrast San Jose's recently enacted "Blight Ordinance" to San Francisco's Planning Code; compare and contrast the enforcement procedures and enforcement capabilities of the City of San Jose to the City and County of San Francisco.

APPROVED by the following vote:
Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021578 [Anticipated Litigation - AT&T Broadband et al.]
Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur with Television Signal Corporation and AT&T Broadband et al. regarding compliance with the City's cable television franchise and AT&T Broadband's proposed merger with Comcast. (City Attorney)

This closed session would be permitted by Government Code Section 54956.9(b) and (c) and the San Francisco Administrative Code Section 67.10(d).

Supervisor Peskin requested this item to be continued to October 7, 2002.

CONTINUED by the following vote:

Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021602 **[Opposing Proposition 51]**
Supervisors Ammiano, Gonzalez, Daly

Resolution opposing Proposition 51 on the November 5th, 2002 Statewide ballot.

Supervisors Gonzalez and Daly requested to be added as co-sponsors.

Resolution No. 681-02

ADOPTED

021603 **[Create 12 member Homeless Senior Task Force]**
Supervisors Daly, Leno

Resolution establishing a 12 member Homeless Senior Task Force.

Supervisor Leno requested to be added as a co-sponsor.

Resolution No. 682-02

ADOPTED

021604 **[Urge SF League of Urban Gardeners not sell the community garden on Page Street]**
Supervisors Gonzalez, Daly

Resolution urging the San Francisco League of Urban Gardeners to not sell the community garden on Page Street between Buchanan and Webster, but rather to ensure that it remains as green space.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 683-02

ADOPTED

021605 **[Urge Federal and State Government Action and Employer Accountability]**
Supervisors Maxwell, Yee, McGoldrick, Daly, Peskin, Leno

Resolution on behalf of the former Wins Garment Workers Urging Federal and State Government Action and Employer Accountability.

Supervisors McGoldrick, Daly, Peskin and Leno requested to be added as co-sponsors.

Resolution No. 684-02
ADOPTED

021607 **[Urge Governor Gray Davis to sign Senate Bill 987]**
Supervisors Yee, Leno

Resolution urging Governor Gray Davis to sign into law Senate Bill 987, improving language access to government services.

Supervisor Leno requested to be added as a co-sponsor.

Resolution No. 685-02
ADOPTED

021608 **[Commend Wu Yee Children's Services]**
Supervisors Peskin, Gonzalez, Daly, Leno, Newsom

Resolution commending Wu Yee Children's Services' role as one of the largest comprehensive bilingual and multicultural child development providers in San Francisco and declaring September 28, 2002 "Wu Yee Children's Services Day" in San Francisco.

Supervisors Gonzalez, Daly, Leno and Newsom requested to be added as co-sponsors.

Resolution No. 686-02
ADOPTED

021594 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M02-162
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

Severed from Adoption Without Reference to Committee

Supervisor Sandoval requested this item be severed and considered separately.

021606 **[Oppose UCSF subcontract custodial services]**
Supervisors Sandoval, Daly, Gonzalez, Yee, Leno, Peskin, McGoldrick

Resolution opposing the University of California at San Francisco (UCSF) decision to subcontract custodial services at UCSF Mission Bay Campus.

Supervisor Sandoval, seconded by Supervisor Gonzalez, moved to amend on page 1, lines 13 and 16, by replacing "will" with "may".
Supervisors Leno, Peskin and McGoldrick requested to be added as co-sponsors.
AMENDED by the following vote:
Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

Resolution No. 689-02
ADOPTED AS AMENDED by the following vote:
Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.
Supervisor Peskin, seconded by Supervisor McGoldrick, moved ADOPTION of the commendary finding. The motion carried by the following vote:
Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Peskin, seconded by Supervisor McGoldrick, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

021641 [Commend Rudolf Amenga-Etego and Ghana National Coalition Against Privatization of Water]
Supervisors Daly, Ammiano, McGoldrick

Resolution commending Rudolf Amenga-Etego and Ghana National Coalition Against Privatization of Water for their commitment to universal access to safe, affordable water.

Resolution No. 687-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021338 [Third Street Alcohol Restricted Use District]

Ordinance adding Section 782 to the Planning Code to create a Third Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending Section 249.14 of the Planning Code to remove inconsistent regulations regarding liquor establishments; amending Zoning Map Sheet 8SU and 10SU of the City and County of San Francisco to indicate the boundaries of the Third Street Alcohol Restricted Use District, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

7/29/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 8/28/2002. 8/6/02 - Transmitted to Planning Commission for public hearing and recommendation.

8/19/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

8/19/02, ASSIGNED to Transportation and Commerce Committee.

9/30/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

9/30/02, ASSIGNED to Transportation and Commerce Committee.

021642 **[Zoning Map amendment extending the existing RM-1 district in Assessor's Block 6501 to include Lot 042]**
Supervisor Leno

Ordinance amending Zoning Map Sheet 7 of the City and County of San Francisco to extend the existing RM-1 district in Assessor's Block 6501 to include Lot 042; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
9/30/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 10/30/2002.

021643 **[Electric Personal Assistive Mobility Devices]**
Supervisors Daly, Peskin, Ammiano

Ordinance amending the San Francisco Traffic Code by banning the operation of electric personal assistive mobility devices on all sidewalks in the City and County of San Francisco and in public transit stations and public transit vehicles.
9/30/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 10/30/2002.

021644 **[Amend Administrative Code Section 10.20-1 - City Claims Procedures]**
Supervisor Hall

Ordinance amending the San Francisco Administrative Code by amending Section 10.20-1 to require that all claims for damages against the City, including those categories listed in Government Code Section 905, follow the procedures set forth in the Administrative Code unless specifically excepted by other laws.
9/30/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 10/30/2002.

021645 **[Pet Guardian - Definition and Duties]**
Supervisor Gonzalez

Ordinance amending Part II, Chapter V, Article 1 of the San Francisco Municipal Code (Health Code) by amending Section 41, to add the definition of "Guardian", and amending Sections 41.4, 41.5.1, 41.6, 41.7, 41.8, 41.10, 41.11, 41.12, 41.16, 41.19, 41.20, 41.22, 41.24, 42.2, and 42.3 to add the term "Guardian" where the term "Owner" is referenced.
9/30/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 10/30/2002.

Resolutions

021641 **[Commend Rudolf Amenga-Etego and Ghana National Coalition Against Privatization of Water]**
Supervisors Daly, Ammiano, McGoldrick

Resolution commending Rudolf Amenga-Etego and Ghana National Coalition Against Privatization of Water for their commitment to universal access to safe, affordable water.

9/30/02, ADOPTED.

9/30/02, ADOPTED.

Resolution No. 687-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

021646 **[Chris Robertson Way]**
Supervisor Daly

Resolution honoring Chris Robertson by renaming 4th Street between Brannan and Third Street "Chris Robertson Way".

9/30/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee. 10/7/02, Referred to Department of Public Works; Department of Parking and Traffic; Police Department and Fire Department for review and comment.

10/21/02, Response from Fire Department; no objections.

10/29/02, Response from Department of Public Works, no objections.

021647 **[Federal grant funds of $9,375,000 for building the South Basin Bridge in San Francisco].**
Supervisor Maxwell

Resolution authorizing the Director of Public Works to accept and expend $9,375,000 in federal Transportation Equity Act for the 21st Century (TEA21) Demonstration Funds with required local matching funds of $2,344,000 to undertake environmental studies related to the feasibility of building the South Basin Bridge in the City and County of San Francisco.

(Fiscal impact; No Public Benefit Recipient.)

9/30/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021648 **[Recognition and celebration 100 years of Korean Immigration]**
Supervisors Yee, Peskin, Sandoval, Daly, McGoldrick

Resolution recognizing and celebrating 100 years of Korean immigration and contributions to the United States.

9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021649 **[Support "Principles for a More Secure San Francisco"]**
Supervisors Peskin, Daly, Sandoval

Resolution supporting "Principles for a More Secure San Francisco," as proposed by the Service Employees International Union, the largest security officer union in the nation, to provide higher standards for the private security industry.

9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021650 **[Commend ArtNica]**
Supervisors Sandoval, Daly, Gonzalez

Resolution commending ArtNica for their commitment and dedication to introducing Nicaraguan Art to the Bay Area.
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021651 **[Commend Wells Fargo Bank]**
Supervisors Sandoval, Gonzalez

Resolution commending Wells Fargo Bank for accepting identification cards issued by the Guatemalan Consulate for new account openings and banking transactions.
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021652 **[First Amendment to Water Supply Contract between CCSF and California Water Service Company]**
Supervisors Hall, Gonzalez, Maxwell, Newsom

Resolution approving and authorizing the SFPUC General Manager to sign the First Amendment to the Water Supply Contract Between the City and County of San Francisco and the City of California Water Service Company for Purposes of Conducting an Aquifer Recharge Study.
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021653 **[Urge Director of Planning to reexamine the process for "17 Reasons Why Sign"]**
Supervisors Ammiano, Daly

Resolution urging Gerald Green, Director of Planning Department, to reexamine the permitting process for the "17 Reasons Why Sign."
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021654 **[Commend Alzheimer's Association]**
Supervisors Leno, Sandoval

Resolution commending the Alzheimer's Association for increasing awareness and raising funds for programs and services for people living with Alzheimer's disease and declaring October 12th "Alzheimer's Association Day in San Francisco."
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021655 **[Commend Global Exchange, Asian Law Caucus, Sweatshop Watch, Union of Needletrades, Industrial and Textile Workers]**
Supervisors Sandoval, Maxwell, Leno, Gonzalez, Daly, McGoldrick

Resolution commending Global Exchange, Asian Law Caucus, Sweatshop Watch, and Union of Needletrades, Industrial and Textile Workers for working tirelessly on behalf of the 30,000 current and former garment workers in Saipan in their class action lawsuit to establish a code of conduct for the companies who have factories there, a monitoring system to prevent labor abuses, and a fund to pay back wages to employees and urging Levi Strauss to join in the settlement of this class action lawsuit.
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021656 **[Extend MUNI 14 trolley coach to Daly City BART station]**
Supervisors Sandoval, Daly

Resolution urging the Municipal Transportation Agency (MTA) to amend its short range transit plan to include implementation, within the next 12 months, of the extension of the MUNI 14 trolley coach route to the Daly City BART station and urging the San Francisco County Transportation Authority to prioritize this project in the countywide transportation plan and program the local, state and federal funds necessary to this end.
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021657 **[Accept and Expend Gift in Place to Recreation and Park Department, $50,000.00]**
Supervisor Newsom

Resolution accepting and expending a gift valued at $50,000.00 and a gift-in-place valued at approximately $35,000.00 from the Friends of Recreation and Parks to the Recreation and Park Department for Moscone Park.

(No Public Benefit Recipient.)
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021658 **[Accept and Expend Gift in Place to Recreation and Park Department, $750,000.00]**
Supervisor Newsom

Resolution accepting and expending a gift-in-place valued at maximum of $750,000.00 from the Friends of Recreation and Parks to the Recreation and Park Department to be used for the Children's Play Area located at the Julius Kahn Playground.

(No Public Benefit Recipient.)
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021659 **[Commend North of Market Senior Services]**
Supervisors Daly, Leno, Peskin, Sandoval

Resolution commending the North of Market Senior Services for 30 years of providing essential programs and services to seniors.
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021660 [Commend Art Octavio]
Supervisors Yee, Hall, Sandoval

Resolution commending Art Octavio for his commitment and service for over forty years to the City and County of San Francisco.
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021666 [First Amendment to Water Supply Contract between CCSF and City of San Bruno]
Supervisors Hall, Gonzalez, Maxwell, Newsom

Resolution approving and authorizing the SFPUC General Manager to sign the First Amendment to the Water Supply Contract Between the City and County of San Francisco and the City of San Bruno for Purposes of Conducting an Aquifer Recharge Study.
9/30/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for hearing

021661 [Housing Element of the General Plan]
Supervisor McGoldrick

Hearing on the newly released draft of the Housing Element of the General Plan, which includes data and needs analysis, a proposed set of General Plan housing objectives, and policies that provide the framework for addressing the City's need to house current and future residents. Implementation programs to be carried out by City agencies will be examined in light of each policy recommendation.
9/30/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021662 [Office Space for Non-Profits]
Supervisor Ammiano

Hearing to consider how the Mayor's Office of Community Development and Real Estate Department can assist non-profits who wish to take advantage of the current commercial real estate market to purchase office space.
9/30/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021663 [Low-wage Immigrant Workers in San Francisco]
Supervisors Maxwell, Sandoval

Hearing to explore ways the City can better address the needs of low-wage immigrant works in San Francisco. The hearing will:

(1) Highlight the former workers of Win Fashions, Wins of California, and Win Industries of America, three San Francisco garment factories that were shut down by State officials over a year ago due to gross labor law violations. The employment problems facing these immigrant Chinese women exemplify a growing economic crisis impacting large segments of San Francisco's immigrant communities.
(2) Examine what the City can do to address the immediate needs of these low-wage immigrant workers and how the City is responding to businesses with illegal labor practices.
9/30/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021664 **[Gum Removal]**
Supervisor Sandoval

Hearing to review the results of the gum removal and sidewalk cleaning demonstrations sponsored by the Department of Public Works and to consider recommendations for gum removal work along commercial corridors.
9/30/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021665 **[Soft Drink Sales at City Facilities]**
Supervisor Sandoval

Hearing to discuss potential legislation prohibiting the sale of soft drinks at City facilities.
9/30/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

PROPOSED ORDINANCES

021575 **[General Plan Amendment - 888 Howard Street Hotel]**
Ordinance amending the San Francisco General Plan in connection with approval of the 888 Howard Street Hotel Project by amending Map 1 (Downtown Land Use and Density Plan) of the Downtown Area Plan of the General Plan to reclassify the use designation of the property located at 888 Howard Street, Lot 066 in Assessor's Block 3724, from C-3-S to C-3-S(SU); adopting findings. (Planning Department)
9/25/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 10/30/2002.

021576 **[Zoning Map Amendments - 888 Howard Street Hotel]**
Ordinance amending Sheets 1 and 1H of the Zoning Map of the City and County of San Francisco for property located at 888 Howard Street, Lot 066 in Assessor's Block 3724, to change the height and bulk limits of the property from 160-F To 320-S and to change the use district from C-3-S to C-3-S (SU); adopting findings. (Planning Department)

(Planning Commission Resolution #16410 approving Reclassification Application No. 2000.790ZM dated 5/23/02; Resolution #16420 approving Planning Code Tax Amendments and Reclassification Application No. 2000.790TZM on 6/6/02; Resolution #16408 approving CEQA findings for Application No. 2000.790E on 5/23/02; Motion #16409 approving Conditional Use Application No. 2000.961C on 5/23/02; Motion #16421 approving Section 309 Application No. 2000.790X on 6/6/02; Final Environmental Impact Report dated 1/10/02; Case No. 2000.790EKXCTZM; companion measure to Files 021575, and 021577.)
9/25/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 10/30/2002.

021577 **[Planning Code Amendments in connection with 888 Howard Street Hotel Project]**

Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 123, Table 124 and Section 138 and by adding new Section 247, to create a C-3-S(SU) Downtown Support Special Use District within the C-3-S zoning district to allow development of a Hotel Project with a basic and maximum floor area ratio (after purchase of all market-rate, available Transfer Development Rights within the C-3-S zoning district) of 7.5 to 1, to include the new C-3-S(SU) zoning district within the definition of "gross floor area" and to provide that the minimum open space requirement for the new C-3-S(SU) zoning district is one square foot for every 50 gross square feet of uses; adopting findings. (Planning Department)

9/25/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 10/23/2002.

PROPOSED RESOLUTIONS

020994 **[Approve expenditure of funds for emergency contract CW-336E]**

Resolution approving the expenditure of funds for emergency contract CW-336E in the amount of $441,000 to replace variable frequency drives for main lift pumps at the Southeast Water Pollution Control Plant. (Public Utilities Commission)

(Fiscal impact; No Public Benefit Recipient.)

9/25/02, RECEIVED AND ASSIGNED to Finance Committee.

021538 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Moraga Street, stopping 32nd and 34th Avenues at Moraga Street, making these intersections all-way STOP's;
Broderick and Eddy Streets, stopping Eddy Street, making this intersection an all-way STOP;
Carroll Avenue and Quint Street, stopping Carroll Avenue, making this intersection an all-way STOP;
26th Avenue and Santiago Street, stopping 26th Avenue, making this intersection an all-way STOP;
35th Avenue at Ulloa Street, stopping 35th Avenue at Ulloa Street, making this intersection an all-way STOP;
Jerrold Avenue and Mendell Street, stopping Mendell Street, making this T-intersection an all-way STOP;
Filbert Street, westbound, at Hyde Street, stopping westbound Filbert Street at Hyde Street;
Merritt and Danvers Streets, northeast corner, stopping westbound Merritt Street (stops the stem of this uncontrolled T-intersection); and,
Corbett Avenue and Danvers Street, southeast corner, stopping northbound Danvers Street (stops the stem of this uncontrolled T-intersection). (Parking and Traffic Department)

(9/19/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2494.)

9/23/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021551 **[Traffic Regulations, Various Streets]**
Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET (SOUTHBOUND) - ESTABLISH
Ankeny Street, between Bishop and Ward Streets.

ONE-WAY STREET (NORTHBOUND) - ESTABLISH
Gateview Avenue (Treasure Island), between the north and south intersections of Avenue B and Gateview Avenue. (Parking and Traffic Department)

(9/19/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2494.)

9/23/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021569 **[Parking Regulations, Various Locations]**
Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "W" (1-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
York Street, both sides, between 22nd and 23rd Streets (1000 block); and
Hampshire Street, both sides, between 25th and 26th Streets (1300 block).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Waller Street, both sides, between Belvedere and Clayton Streets (portion of the 1500 block); and
11th Avenue, both sides, between Kirkham and Lawton Streets (1500 block).

RESIDENTIAL PERMIT PARKING AREA "D" (4-HOUR TIME LIMIT, 9 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Sussex Street, both sides, between Conrad and Diamond Streets (addresses 110 - 171 only).

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Castro Street, both sides, between 22nd and Hill Streets (portion of the 800 block);
Castro Street, both sides, between 22nd and Alvarado Streets (900 block);
Castro Street, both sides, between 23rd and Alvarado Streets (1000 block);
23rd Street, both sides, between Castro and Diamond Streets (4100 block);
Linda Street, both sides, between 18th Street and south terminus (Unit and 100 blocks); and
19th Street, both sides, between Guerrero and Valencia Streets (3500 block).

RESIDENTIAL LIMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Duncan Street, both sides, between Church and Sanchez Streets (300 block).

ONE-HOUR PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
Fitzgerald Avenue, north side, between 3rd and Jennings Street.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Pollard Place, both sides, north of Vallejo Street.

PARKING METERS - RESCIND
RESIDENTIAL PERMIT PARKING AREA "C" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Bush Street, both sides, between Jones and Taylor Streets (900 block).

TOW-AWAY NO STOPPING EXCEPT FOR 1-HOUR TRUCK LOADING, 7 AM TO 4 PM, MONDAY TO FRIDAY - ESTABLISH
Townsend Street, north side, from 287 feet to 369 feet east of 7th Street (82-foot zone).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
PARKING METER AREA NO. 3 - EXTEND
Broadway, south side, from 68 feet to 206 feet east of Sansome Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Broadway, north side, from Montgomery Street to 54 feet easterly;
Broadway, north side, from Sansome Street to 65 feet westerly;
Broadway, north side, from Sansome Street to 68 feet easterly;

Broadway, south side, from Montgomery Street to 60 feet easterly; and
Broadway, south side, from Sansome Street to 67 feet westerly.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Jessie Street, south side, between 3rd and Annie Streets.

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM AND 3 PM TO 6 PM, MONDAY THROUGH FRIDAY, PASSENGER LOADING ZONE, ALL OTHER TIMES - ESTABLISH
Mission Street, north side, from 152 feet to 191 feet east of 3rd Street (39-foot zone at parking meters #672 and #674).

PARKING METER - RESCIND
Palou Avenue, north side, between 3rd and Newhall Streets, removing parking meters #1602 and #1606.

TWO-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
Rhode Island Street, east side, between 15th and Alameda Streets; and
15th Street, north side, between De Haro and Rhode Island Streets.

NO PARKING ANYTIME - ESTABLISH
Missouri Street, west side, from 190 feet north of Cesar Chavez Street to the terminus ending at a private driveway (200 foot zone).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Spofford Street, both sides, between Clay and Washington Streets.

MID-BLOCK CROSSWALK - ESTABLISH
Townsend Street, between 3rd and 4th Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Gateview Avenue (Treasure Island), both sides, between 13th Street and Avenue B, north intersection (replaces existing red zones).

RED (NO PARKING ANYTIME) ZONES - RESCIND
Bayside Drive (Treasure Island), both sides, between the east and west intersections of Bayside Drive and Gateview Avenue;
North Point Drive (Treasure Island), both sides, between the east and west intersections of Gateview Avenue and North Point Drive; and
Gateview Avenue (Treasure Island), both sides, between the north and south intersections of Avenue B and Gatewiew Avenue.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Bayside Drive (Treasure Island), both sides, between the east and west intersections of Bayside Drive and Gateview Avenue (replacing existing red zones);
North Point Drive (Treasure Island), both sides, between the east and west intersections of Gateview Avenue and North Point Drive (replacing existing red zones);
Gateview Avenue, north/east side, from a point 29 feet west of the driveway at #1306A to a point opposite the south line of the driveway at #1307A;
Gateview Avenue south/west side, between the driveways at #1303D and #1307A;
Gateview Avenue, west side, from Westside Drive (south intersection) to the driveway at #1311A;
Gateview Avenue, west side, from Westside Drive (south intersection) to the driveway at #1315A; and
Gateview Avenue, both sides, between Westside Drive (north intersection) and Avenue B (north intersection).

TOW-AWAY, NO PARKING ANYTIME - EXCEPT LAW ENFORCEMENT VEHICLES - ESTABLISH
Stevenson Street, south side, from 7th Street to 294 feet easterly (294-foot zone);

300 block of Jackson Street, south side, between Custom House Place and Battery Street (121-foot zone, replacing parking meters #309, #313, #317, #319 and #321);
500 block of Battery Street, west side, from Jackson Street to 100 feet southerly (100-foot zone, replacing parking meters #521, #523, #525, and #527); and
400 block of Washington Street, north side, from Battery Street and Custom House Place (117-foot zone, replacing one blue zone and parking meters #404, #406, and #408).

ANGLE PARKING (45-DEGREE) - ESTABLISH
500 block of Washington Street, south side, from 21 feet to 192 feet west of Sansome Street (converts nine parallel parking stalls into 16 angle parking stalls).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
PARKING METER AREA NO. 1 (METERED MOTORCYCLE PARKING) - ESTABLISH
400 block of Battery Street, east side, from Washington Street to 98 feet southerly (creates 25 new motorcycle parking spaces).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
PARKING METER AREA NO. 1 (30-MINUTE TIME LIMIT, 7AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
400 block of Battery Street, east side, from 98 feet to 184.5 feet south of Washington Street (creates three new automobile parking spaces).

TEMPORARY STREET CLOSURE - ESTABLISH
4th Street Bridge over Mission Creek. (Work for seismic retrofit rehabilitation beginning around October 2002 and lasting approximately 18 months.) (Parking and Traffic Department)

(DPW conducted the environmental review study. The Finding of No Significant Impact (FONSI) was issued on April 8, 2002, File No. 04-SF-0-CR.)
(9/19/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2494.)
9/23/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021573 **[Extends time for performance of PUC contract CS-524 by 3 months under last year's funding appropriation, and reserves the Board's right to disapprove the continuation of the contract]**
Resolution approving Public Utilities Commission's three month extension of time for the San Francisco Water Alliance to complete work under the second year of the Program Management Services, CS-524; and extending the time from September 21, 2002 to December 21, 2002 when the Board may approve the continuation of the contract upon its review of the Commission's annual evaluation of the contract performance of the San Francisco Water Alliance. (Public Utilities Commission)

(No Public Benefit Recipient.)
9/23/02, RECEIVED AND ASSIGNED to Finance Committee.

021579 **[Prevailing Wage]**
Resolution fixing the highest general prevailing rate of wages for various crafts and kinds of labor, and for janitorial services, as paid for similar work in private employment in the City and County of San Francisco, at the rates certified to the Board by the Civil Service Commission on September 16, 2002. (Civil Service Commission)

(No Public Benefit Recipient.)
9/25/02, RECEIVED AND ASSIGNED to Finance Committee.

021580 **[Accept and expend a gift of $29,259 from the Friends and Foundation of the San Francisco Public Library]**

Resolution authorizing the San Francisco Public Library to accept and expend a gift in the amount of $44,342 from the Friends and Foundation of the San Francisco Public Library to support public programming and outreach at Branch Libraries and to continue production of a monthly newsletter to promote programs, services and special events offered by the Public Library. (Public Library)

(No Public Benefit Recipient.)

9/24/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

Requests Granted

From: Supervisor McGoldrick
To: All City Departments and offices of the City
Requesting/Inquiring: Requesting that All City Departments and offices of the City indicate how much they are spending on required public noticing costs for newspaper advertising and that the Budget Analyst receive copies of the responses.

From: Supervisor Sandoval
To: City Attorney
Requesting/Inquiring: To draft legislation to prohibit the sale of soft drinks at all City venues.

From: Supervisor Leno
To: Director, Port
Requesting/Inquiring: To report if and how increased usage of Port facilities by the cruise ship industry could increase revenues paid to the City and County of San Francisco.

From: Supervisors Daly, Ammiano, Gonzalez
To: Director, Art Commission
Requesting/Inquiring: To report on the staff recommendation to the Arts Commission concerning budgets of cultural centers and cultural equity initiatives in the fiscal year 2002/03 and 2003/04 budgets. Specifically, to report on the specific funding levels for each of the cultural centers in each of these fiscal years.

From: Supervisors Daly, Ammiano, Gonzalez
To: Controller
Requesting/Inquiring: To draft a supplemental appropriation to guarantee level funding for cultural centers and cultural equity initiatives in the fiscal year 2002/03 budget.

From: Supervisor Ammiano
To: City Attorney
Requesting/Inquiring: To research methods by which the City could require taxi color schemes to provide health and long-term disability insurance to drivers and Prop K medallion holders.

From: Supervisor Ammiano
To: Controller
Requesting/Inquiring: To analyze gate and meter rate increase requirements necessary to finance health and long-term disability insurance for drivers and Prop K medallion holders.

From: Supervisor Ammiano
To: City Attorney
Requesting/Inquiring: To draft legislation amending the prevailing wage provisions of Chapter 6 of the Administrative Code to provide for a new complaint procedure. (See attached)

From: Supervisor Newsom
To: General Manager, Recreation and Park Department
Requesting/Inquiring: To report on the status of the Memorandum of Understanding (MOU) between the department and the Neighborhood Parks Council regarding the Playground Campaign.

From: Supervisor Newsom
To: General Manager, Recreation and Park Department
Requesting/Inquiring: To report on the status of its contract with the Neighborhood Parks Council regarding District Park Planning.

From: Supervisor Newsom
To: Director, Department of Parking and Traffic
Requesting/Inquiring: To report on the feasibility of placing traffic calming and safety improvements, including the enforcement of speed limits or additional stop signs at the corner of Lake Street and 26th Avenue.

From: Supervisor Newsom
To: Director, Department of Parking and Traffic
Requesting/Inquiring: To report on the feasibility of any planned efforts to implement curb cuts on Broadway Street between Webster and Fillmore Streets.

In Memoriams

Lewis Sweet (Supervisor Maxwell)
Rustin Lee (Supervisor Gonzalez)
Jessie Charlotte Blackmar Alpaugh (Supervisor Sandoval)
Jack Horak (Supervisor Leno)
Mary Bragman (Supervisor Leno)
Robert Chou (Supervisor Leno)

ADJOURNMENT

There being no further business, the Board at the hour of 4:55 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 4, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Monday, October 7, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 38

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Leno, McGoldrick, Newsom - 3

Quorum present.

Supervisors Leno, McGoldrick, Newsom were noted present at 2:01 p.m.

AGENDA CHANGES

Supervisor Yee requested that File Nos. 021618 - 021634 be heard out of order.

Privilege of the Floor

Supervisor Sandoval, seconded by Supervisor Daly, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor for a presentation. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Linus Bubba Black, Custodian in City Hall for 25 years.

CONSENT AGENDA

Recommendation of the Neighborhood Services and Recreation Committee

021422 [Accept-Expend State Grant]
Supervisor Leno

Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of $109,000 from the State of California Department of Parks and Recreation for the Restoration of the James A. Garfield and the Guiseppe Verdi Monuments in Golden Gate Park. (Recreation and Park Department)

(Public Benefit Recipient)

Resolution No. 694-02
ADOPTED

Recommendation of the Rules and Audits Committee

021535 [Settlement of Unlitigated Contractual Dispute]
Supervisor Gonzalez

Ordinance authorizing settlement of the unlitigated contractual dispute between the City and County of San Francisco and Health Management Systems, Inc. for a $550,000 payment to the City and amendment to the contract. (City Attorney)

(No Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.
PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

021672 **[Adopting findings related to the conditional use appeal on property located at 1598 Dolores Street.]**
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2000.1058C (which approved the development of two residential buildings with a total of 13 dwelling units ((two of which are affordable)) and up to 26 off-street parking spaces, and the development of a lot 5,000 square feet or more in size within an NC-1 ((Neighborhood Commercial Cluster)) District and a 40-X Height and Bulk District, for property located at 1598 Dolores Street, at the northwest corner of Dolores and 29th Streets (Lots 7, 9 and 38 in Assessor's Block 6618). (Clerk of the Board)

(Companion measure to Files 021240, 021241, 021242, 021243, 021280.)

Amended on page 3, lines 18 and 19, by deleting "The project would also maintain the present availability of on street parking with the proposal of a single curb out and garage on 29th Street."

Supervisor Maxwell, seconded by Supervisor Leno, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Motion No. M02-175

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021673 **[Adopting findings related to the conditional use appeal on property located at 2863 California Street]**
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0408C (which approved a proposed three story mixed-use building without off-street parking for four residential units in a Small Scale NC-2, Neighborhood Commercial District) for property located at 2863 California Street, on the south side between Broderick and Divisadero Streets (Lot 23 in Assessor's Block 1028). (Clerk of the Board)

(Companion measure to Files 021244, 021245, 021246, 021247.)

Supervisor Yee was noted absent at 2:20 p.m.

Motion No. M02-176

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

Recommendations of the Finance Committee

020782 **[Planning Code Amendment - South of Market SUD Amendments]**
Supervisor Daly

Ordinance amending Planning Code Sections 803.5 and 822 to include union halls as permitted principal uses in the South of Market Special Hall of Justice Legal Services District, to include Assessor's Block 3780 Lots 1 and 2 as part of the South of Market Special Hall of Justice Legal Services District, and to correct citations and zoning map page number references; amending Zoning Map Sheet 8SU of the City and County of San Francisco to include Lots 1 and 2 in Assessor's Block 3870 as part of the South of Market Special Hall of Justice Legal Services District; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Ordinance No. 207-02

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

021221 **[Laws and procedures governing the enforcement of prevailing wages for workers on public work projects]**
Supervisors Ammiano, Daly, Peskin, Maxwell, Leno, Gonzalez, McGoldrick, Newsom, Sandoval

Ordinance amending the Administrative Code by adding subsection 6.1(H), definition of prevailing wage; amending subsection 6.22(A)(6) to include a requirement concerning subcontractor licenses; amending subsection 6.22(B) to include a requirement that all contractor and subcontractors provide workers' compensation insurance certificates; amending subsection 6.22(E) concerning application and enforcement of prevailing wage requirements and assessment of penalties and backwages; amending subsection 6.22(O) to add further contractual requirements for the employment of apprentices and to add penalties for noncompliance; adding subsection 6.22(P) concerning safety requirements for contractors and subcontractors; amending section 6.24 to expand the authority of the Office of Labor Standards Enforcement to enforce requirements of state and federal law, to enforce working conditions and apprenticeship and to assess monetary penalties and backwages against public work contractors.

Supervisor Sandoval requested to be added as a co-sponsor.

Ordinance No. 208-02

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

021419 **[MOU - San Francisco Police Officers' Association]**
Mayor, Supervisor Newsom

Ordinance adopting and implementing Amendment No. 1 to the 2001-2003 Collective Bargaining Agreement between the San Francisco Police Officers' Association (SFPOA) and the City and County of San Francisco by amending Sections 13 (A) and (F) to incorporate the parties' agreement to clarify their intent with regard to compensation for canine officers and to correct clerical errors. (Mayor)

Ordinance No. 209-02

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

Recommendation of the Transportation and Commerce Committee

021503 **[Amend Subdivision Code Section 1308]**
Supervisors McGoldrick, Ammiano, Gonzalez

Ordinance amending the San Francisco Subdivision Code by amending Section 1308 to provide that a tenant may also be an owner of record of the property and to remove the requirement that a tenant have an exclusive right to occupy a unit; amending Section 1316 to address the formation of tenancies in common in buildings of seven units or more; and making this Ordinance retroactive to November 1, 2002.

Ordinance No. 203-02

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

021291 **[Accept-Expend Federal Grant]**

Resolution authorizing the Airport Commission to accept and expend a Federal Airport Improvement Program grant in the amount of $5,291,558.00 from the U.S. Department of Transportation Federal Aviation Administration, and approving Modification Nos. 4 and 5 to Contract No. 4240.1 for preparation of environmental impact studies for the proposed runway reconfiguration project, for a total contract amount not to exceed $16,200,730. (Airport Commission)

(Public Benefit Recipient.)
(Supervisor Daly dissenting in Committee)

Amended on page 2, line 11, by replacing "or" with "and". Further amended on page 2, line 11, by deleting "to be enforceable".

Supervisor Peskin, seconded by Supervisor Leno, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

Resolution No. 674-02

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

Recommendations of the Neighborhood Services and Recreation Committee

020537 **[Liquor License, 1581 Webster Street, #240]**

Resolution determining that the issuance of a Type 47 on-sale general eating place liquor license to Takehiko Yasuda dba "Lime Light" located at 1581 Webster Street, #240 (District 5) in exchange of the current Type 48 on-sale general public premises license, will not serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Resolution No. 690-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

021275 **[Liquor License Transfer, 691 Portola Drive]**

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license to Song Kwang and Tong Sun Kim dba "Miraloma Liquors" from 683 Portola Drive to 691 Portola Drive (District 6), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Resolution No. 692-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - McGoldrick, Yee

Recommendations of the Public Works and Public Protection Committee

COMMITTEE REPORTS

From Health and Human Services Committee

021597 **[Urging the U.S. Congress to Oppose War with Iraq]**
Supervisors Leno, Peskin, Ammiano, Daly, Sandoval, McGoldrick, Gonzalez, Maxwell

Resolution urging the U.S. Congress to oppose military action in Iraq.

Supervisors Leno, Peskin, Ammiano, Daly, Sandoval, McGoldrick, Gonzalez and Maxwell

Resolution No. 688-02

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Hall, Newsom
Absent: 1 - Yee

From Rules and Audits Committee

021618 **[Appointment, Planning Commission]**
Mayor

Motion approving the Mayor's nomination of Michael Antonini to Seat No. 4 of the Planning Commission, term to be determined by lot. (Mayor)

Michael Antonini, new position, Seat No. 4, must be nominated by the Mayor, term to be determined by lot.

Motion No. M02-169

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Noes: 1 - McGoldrick

021619 **[Appointment, Planning Commission]**
Mayor

Motion rejecting the Mayor's nomination of Michael Antonini to Seat No. 4 of the Planning Commission. (Mayor)

Supervisor Leno, seconded by Supervisor Newsom, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021620 **[Appointment, Planning Commission]**
Mayor

Motion approving the Mayor's nomination of Shelley Bradford Bell to Seat No. 5 of the Planning Commission, term to be determined by lot. (Mayor)

Shelley Bradford Bell, new position, Seat No. 5, must be nominated by the Mayor, term to be determined by lot.

Motion No. M02-170

APPROVED by the following vote:

Ayes: 6 - Hall, Leno, Maxwell, Newsom, Sandoval, Yee
Noes: 5 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin

021621 **[Appointment, Planning Commission]**
Mayor

Motion rejecting the Mayor's nomination of Shelley Bradford Bell to Seat No. 5 of the Planning Commission. (Mayor)

Supervisor Leno, seconded by Supervisor Newsom, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021622 **[Appointment, Planning Commission]**
Mayor

Motion approving the Mayor's nomination of Edgar Boyd to Seat No. 6 of the Planning Commission, term to be determined by lot. (Mayor)

Edgar Boyd, new position, Seat No. 6, must be nominated by the Mayor, term to be determined by lot.

Motion No. M02-171

APPROVED by the following vote:

Ayes: 9 - Ammiano, Daly, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Noes: 2 - Gonzalez, McGoldrick

021623 **[Appointment, Planning Commission]**
Mayor

Motion rejecting the Mayor's nomination of Edgar Boyd to Seat No. 6 of the Planning Commission. (Mayor)

Supervisor Peskin, seconded by Supervisor Leno, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021624 [Appointment, Planning Commission]
Mayor

Motion approving the Mayor's nomination of Jeffrey Chen to Seat No. 7 of the Planning Commission, term to be determined by lot. (Mayor)

Jeffrey Chen, new position, Seat No. 7, must be nominated by the Mayor, term to be determined by lot.

NOT APPROVED by the following vote:
Ayes: 4 - Hall, Maxwell, Newsom, Yee
Noes: 7 - Ammiano, Daly, Gonzalez, Leno, McGoldrick, Peskin, Sandoval

021625 [Appointment, Planning Commission]
Mayor

Motion rejecting the Mayor's nomination of Jeffrey Chen to Seat No. 7 of the Planning Commission. (Mayor)

Supervisor McGoldrick, seconded by Supervisor Gonzalez, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021626 [Appointment, Board of Appeals]
Mayor

Motion approving the Mayor's nomination of Arnold Chin to Seat No. 3 of the Board of Appeals, term to be determined by lot. (Mayor)

Arnold Chin, new position, Seat No. 3, must be nominated by the Mayor, term to be determined by lot.

Motion No. M02-172
APPROVED by the following vote:
Ayes: 7 - Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Noes: 4 - Ammiano, Daly, Gonzalez, McGoldrick

021627 [Appointment, Board of Appeals]
Mayor

Motion rejecting the Mayor's nomination of Arnold Chin to Seat No. 3 of the Board of Appeals. (Mayor)

Supervisor Peskin, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021628 [Appointment, Board of Appeals]
Mayor

Motion approving the Mayor's nomination of Kathleen Harrington to Seat No. 4 of the Board of Appeals, term to be determined by lot. (Mayor)

Kathleen Harrington, Seat No. 4, must be nominated by the Mayor, term to be determined by lot.

Motion No. M02-173
APPROVED by the following vote:
Ayes: 6 - Hall, Leno, Maxwell, Newsom, Sandoval, Yee
Noes: 5 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin

021632 **[Appointment, Board of Appeals]**
Mayor

Motion rejecting the Mayor's nomination of Kathleen Harrington to Seat No. 4 of the Board of Appeals. (Mayor)

Supervisor Leno, seconded by Supervisor Newsom, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021633 **[Appointment, Board of Appeals]**
Mayor

Motion approving the Mayor's nomination of Sabrina Saunders to Seat No. 5 of the Board of Appeals, term to be determined by lot. (Mayor)

Sabrina Saunders, Seat No. 5, must be nominated by the Mayor, term to be determined by lot.

Motion No. M02-174
APPROVED by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Noes: 1 - McGoldrick

021634 **[Appointment, Board of Appeals]**
Mayor

Motion rejecting the Mayor's nomination of Sabrina Saunders to Seat No. 5 of the Board of Appeals. (Mayor)

Supervisor Peskin, seconded by Supervisor Leno, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Larry Williams; support legislation relating to SF Security Officers
Jose Martinez; support legislation relating to SF Security Officers
Janice Austin; support legislation relating to SF Security Officers
Rodney Towns; smoke and alcohol free parks
Male Speaker; encourage people to vote
Louis Dillon; support war with Iraq
James Chaffee; SF Public Library

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021578 **[Anticipated Litigation - AT&T Broadband et al.]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur with Television Signal Corporation and AT&T Broadband et al. regarding compliance with the City's cable television franchise and AT&T Broadband's proposed merger with Comcast. (City Attorney)

This closed session would be permitted by Government Code Section 54956.9(b) and (c) and the San Francisco Administrative Code Section 67.10(d).

Supervisor Peskin, seconded by Supervisor Leno, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Daly, Yee

Heard in Closed Session

Recess

The Board recessed at the hour of 3:26 p.m. to convene in closed session pursuant to above motion.

Reconvening of the Board

The Board at the hour of 3:55 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors
Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin - 9

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from the City Attorney regarding pending litigation.

Persons in attendance:
Supervisors Ammiano,Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin
Ted Lakey, Deputy City Attorney
William Sanders, Deputy City Attorney
Lisa Gelb, Deputy City Attorney
Julia Friedlander, Deputy City Attorney
Brian Roberts, Principal Policy Analyst, DTIS
Lewis Loeven, Director, DTIS
Denise Brady, Deputy Director DTIS
Edward Harrington, Controller
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

Supervisor Daly noted absent at 3:51 p.m.

Continued to October 15, 2002

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor Peskin, seconded by Supervisor Leno, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Daly, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021648 [Recognition and celebration 100 years of Korean Immigration]
Supervisors Yee, Peskin, Sandoval, Daly, McGoldrick

Resolution recognizing and celebrating 100 years of Korean immigration and contributions to the United States.

Supervisors Daly, McGoldrick, Sandoval and Peskin requested to be added as co-sponsors.

Resolution No. 698-02
ADOPTED

021650 [Commend ArtNica]
Supervisors Sandoval, Daly, Gonzalez

Resolution commending ArtNica for their commitment and dedication to introducing Nicaraguan Art to the Bay Area.

Supervisors Gonzalez and Daly requested to be added as a co-sponsors.

Resolution No. 699-02
ADOPTED

021651 [Commend Wells Fargo Bank]
Supervisors Sandoval, Gonzalez

Resolution commending Wells Fargo Bank for accepting identification cards issued by the Guatemalan Consulate for new account openings and banking transactions.

Supervisor Gonzalez requested to be added as a co-sponsor.

Resolution No. 700-02
ADOPTED

021652 [First Amendment to Water Supply Contract between CCSF and California Water Service Company]
Supervisors Hall, Gonzalez, Maxwell, Newsom

Resolution approving and authorizing the SFPUC General Manager to sign the First Amendment to the Water Supply Contract Between the City and County of San Francisco and the City of California Water Service Company for Purposes of Conducting an Aquifer Recharge Study.

Resolution No. 701-02
ADOPTED

021666 [First Amendment to Water Supply Contract between CCSF and City of San Bruno]
Supervisors Hall, Gonzalez, Maxwell, Newsom

Resolution approving and authorizing the SFPUC General Manager to sign the First Amendment to the Water Supply Contract Between the City and County of San Francisco and the City of San Bruno for Purposes of Conducting an Aquifer Recharge Study.

Resolution No. 708-02
ADOPTED

021654 [Commend Alzheimer's Association]
Supervisors Leno, Sandoval

Resolution commending the Alzheimer's Association for increasing awareness and raising funds for programs and services for people living with Alzheimer's disease and declaring October 12th "Alzheimer's Association Day in San Francisco."

Supervisor Sandoval requested to be added as a co-sponsor.

Resolution No. 702-02
ADOPTED

021655 [Commend Global Exchange, Asian Law Caucus, Sweatshop Watch, Union of Needletrades, Industrial and Textile Workers]
Supervisors Sandoval, Maxwell, Leno, Gonzalez, Daly, McGoldrick

Resolution commending Global Exchange, Asian Law Caucus, Sweatshop Watch, and Union of Needletrades, Industrial and Textile Workers for working tirelessly on behalf of the 30,000 current and former garment workers in Saipan in their class action lawsuit to establish a code of conduct for the companies who have factories there, a monitoring system to prevent labor abuses, and a fund to pay back wages to employees and urging Levi Strauss to join in the settlement of this class action lawsuit.

Supervisors Gonzalez, McGoldrick, Daly, and Leno requested to be added as co-sponsors.

Resolution No. 703-02
ADOPTED

021656 [Extend MUNI 14 trolley coach to Daly City BART station]
Supervisors Sandoval, Daly

Resolution urging the Municipal Transportation Agency (MTA) to amend its short range transit plan to include implementation, within the next 12 months, of the extension of the MUNI 14 trolley coach route to the Daly City BART station and urging the San Francisco County Transportation Authority to prioritize this project in the countywide transportation plan and program the local, state and federal funds necessary to this end.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 712-02
ADOPTED

021657 [Accept and Expend Gift in Place to Recreation and Park Department, $50,000.00]
Supervisor Newsom

Resolution accepting and expending a gift valued at $50,000.00 and a gift-in-place valued at approximately $35,000.00 from the Friends of Recreation and Parks to the Recreation and Park Department for Moscone Park.

(No Public Benefit Recipient.)

Resolution No. 704-02
ADOPTED

021658 **[Accept and Expend Gift in Place to Recreation and Park Department, $750,000.00]**
Supervisor Newsom

Resolution accepting and expending a gift-in-place valued at maximum of $750,000.00 from the Friends of Recreation and Parks to the Recreation and Park Department to be used for the Children's Play Area located at the Julius Kahn Playground.

(No Public Benefit Recipient.)

Resolution No. 705-02
ADOPTED

021659 **[Commend North of Market Senior Services]**
Supervisors Daly, Leno, Peskin, Sandoval

Resolution commending the North of Market Senior Services for 30 years of providing essential programs and services to seniors.

Supervisors Leno, Peskin, and Sandoval requested to be added as co-sponsors.
Resolution No. 706-02
ADOPTED

021660 **[Commend Art Octavio]**
Supervisors Yee, Hall, Sandoval

Resolution commending Art Octavio for his commitment and service for over forty years to the City and County of San Francisco.

Supervisor Sandoval requested to be added as a co-sponsor.
Resolution No. 707-02
ADOPTED

021592 **[Final Map for a 9 Unit Residential Condominium Project]**
Motion approving Final Map of 741 Ellis Street, A Residential Condominium Project, being a subdivision of Lot 23 in Assessor's Block No. 740, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,732; Distrit 6.)

Motion No. M02-166
APPROVED

021616 **[Final Map for a 14 Unit Live/Work Condominium Project]**
Motion approving Final Map of 630 8th Street, a Live/Work Condominium Project, being a subdivision of Lot 10, Assessor's Block No. 3782, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,733; District 6.)

Motion No. M02-167
APPROVED

021617 [Final Map for a 28 Unit Live/Work Condominium Project]

Motion approving Final Map of 2412 Harrison Street, a Live/Work Condominium Project, being a subdivision of Lot 2, Assessor's Block No. 3612, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,734; District 9.)

Motion No. M02-168
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

Severed From For Adoption Without Committee Reference Agenda

021649 [Support "Principles for a More Secure San Francisco"]
Supervisors Peskin, Daly, Sandoval

Resolution supporting "Principles for a More Secure San Francisco," as proposed by the Service Employees International Union, the largest security officer union in the nation, to provide higher standards for the private security industry.

Supervisor Peskin requested this matter to be severed so it could be considered separately.
Supervisors Sandoval and Daly requested to be added as co-sponsors.
Continued to November 4, 2002.
CONTINUED by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

021653 [Urge Director of Planning to reexamine the process for "17 Reasons Why Sign"]
Supervisors Ammiano, Daly

Resolution urging Gerald Green, Director of Planning Department, to reexamine the permitting process for the "17 Reasons Why Sign."

Supervisor Ammiano requested this matter to be severed so it could be considered separately.
Supervisor Daly requested to be added as a co-sponsor.
Supervisor Ammiano requested this item be referred to Committee.
REFERRED to the Transportation and Commerce Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021687 [Designate the Old U.S. Mint At 88 Fifth Street As a Landmark Under Planning Code Article 10]
Supervisor Peskin

Ordinance Designating 88 Fifth Street, The Old U.S. Mint, Block 3704, Lot 11, As Landmark No. 236 Pursuant To Article 10, Sections 1004 And 1004.4 of the Planning Code.
10/7/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

Resolutions

021686 [Initiate the Designation of the Old U.S. Mint as a Landmark]
Supervisor Peskin

Resolution initiating the designation of a Landmark of the Old U.S. Mint bounded by Fifth, Jessie, Mint and Mission Streets, Block 3704, Lot 11, pursuant to Section 1004.1 of the San Francisco Planning Code.
10/7/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021688 [Amend Res. No. 910-01 Efforts of the San Francisco Bay Area - Olympic Games]
Supervisors Peskin, Leno, Newsom, Hall, McGoldrick, Sandoval

Resolution amending Resolution No. 910-01, commending the efforts of the San Francisco Bay Area Sports Organizing Committee (BASOC) in achieving the status of finalist in the USOC's competition to select a U.S. Candidate City for the 2012 Olympic Games; removing the qualification that the City's obligations under the Joinder Agreement are contingent upon BASOC not being in default of any of its obligations under the BASOC Agreement; approving and authorizing the Mayor to execute such agreements, including a Host City Agreement, as are consistent with the terms and conditions included in the Host City Agreement issued by the IOC for the 2008 Olympic Games, should the International Olympic Committee (IOC) choose San Francisco in 2005 as the Host City for the 2012 Summer Olympic Games; and approving the First Amendment to the BASOC Agreement giving the City the right to require BASOC to fund any bid deposit.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021689 [Support SFFD - National Fire Prevention Week - 10/12/02]
Supervisors Sandoval, Newsom, McGoldrick

Resolution supporting the San Francisco Fire Department Open House for National Fire Prevention Week taking place on Saturday, October 12, 2002.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021690 [Recognize Dr. Harry Weinstein]
Supervisors Ammiano, Sandoval, McGoldrick

Resolution in recognition of Dr. Harry Weinstein for his excellence in teaching, research and community leadership in the field of home health.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021691 [Urge INS to reunite the family and change procedures and rules]
Supervisors Ammiano, Daly, Peskin, Sandoval, McGoldrick

Resolution urging the Immigration and Naturalization Service (INS) to do what is necessary to reunite the family and urging the INS and Department of Justice to change their procedures and rules so that similar separations do not occur in the future.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021692 [Commend SF Food Bank]
Supervisors Leno, Daly, Peskin, Sandoval, Newsom, McGoldrick

Resolution commending the San Francisco Food Bank for over 15 years of service to feeding the hungry members of the San Francisco community.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021693 [Commend Jewish Bulletin of Northern California]
Supervisors Leno, Peskin, Newsom, McGoldrick

Resolution commending the Jewish Bulletin of Northern California for printing gay and lesbian union announcements since 1997 and for recently deciding to include them under the same heading of "Weddings" with heterosexual marriage announcements.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021694 [Commend California Outdoor Rollerskating Association]
Supervisor Leno

Resolution commending the California Outdoor Rollerskating Association for their public service and their efforts in promoting San Francisco as the host city for the Olympic Games in 2012.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021695 [Commend Elton John AIDS Foundation]
Supervisors Leno, Newsom, Sandoval

Resolution commending the Elton John AIDS Foundation and declaring Wednesday, October 16th, 2002, Elton John AIDS Foundation Day in the City of San Francisco.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021696 [Commend Tenderloin Neighborhood Development Corporation]
Supervisors Leno, Daly, Maxwell, Newsom, Peskin, McGoldrick, Sandoval

Resolution commending Tenderloin Neighborhood Development Corporation (TNDC) for their commitment to providing affordable housing in downtown San Francisco.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021697 [Commend Producers Of Civil Wrongs and Rights: Fred Korematsu Story]
Supervisors Leno, Newsom, Gonzalez, Peskin, Sandoval, McGoldrick

Resolution commending the producers, director, and editors of the documentary film, Of Civil Wrongs and Rights: The Fred Korematsu Story, on their Emmy Awards for film direction and editing.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021698 [Commend North of Market Planning Coalition]
Supervisors Daly, McGoldrick, Sandoval

Resolution commending the North of Market Planning Coalition for 25 years of advocacy for the diverse North of Market community.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021699 [DPT Accept and Expend Grant - $169,262]
Mayor

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for retroactively, accept and expend up to $169,262 in California Department of Transportation Environmental Justice and Community-Based Planning Program funds for the 24th Street and Tenderloin Pedestrian Safety and Access Planning Project. (Mayor)

(No Public Benefit Recipient.)
10/7/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021700 [DPT Accept and Expend Grant - $98,762.00]
Mayor

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for retroactively, accept, and expend $98,762.00 in California State "Safe Routes to Schools" funds, with required local match of $11,238.00. (Mayor)

(No Public Benefit Recipient.)
10/7/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021701 [DPT Accept and Expend Grant - $397,962]
Mayor

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for retroactively, accept, and expend up to $398,000 in California State Department of Transportation Pedestrian Safety Funds for the North Mission/Tenderloin Pedestrian Safety Project. (Mayor)

(No Public Benefit Recipient.)
10/7/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

Requests for Hearing

021702 **[Animal Care and Control]**
Supervisor Sandoval

Hearing to discuss the policies and practices of the Department of Animal Care and Control.
10/7/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021703 **[Street Space Permit Implementation]**
Supervisor Peskin

Hearing to review progress made toward implementation of Street Space Permit reform (File 021067) passed by the Board of Supervisors on August 12, 2002. This hearing will focus on an update from the Department of Public Works (DPW), Department of Building Inspection (DBI), and Department of Parking and Traffic (DPT) regarding the status of revised fee collection, enhanced enforcement, improved signage and a local hotline for local residents with concerns about specific street permits.
10/7/02, RECEIVED AND ASSIGNED to Finance Committee.

021704 **[Controller's Report on the City's Annual Budget Process]**
Supervisor Peskin

Hearing to review the Controller's report on the City's annual budget process, and its findings regarding potential improvements to the budget process.
10/7/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the October 16, 2002 meeting.

021705 **[Mayor's Budget Instructions for Fiscal Year 2003-04]**
Supervisor Peskin

Hearing on budget instructions promulgated by the Mayor's Office to City Departments for fiscal year 2003-04 budget. This hearing will be scheduled in advance of the release of these budget instructions and will include presentation from the Mayor's Budget Director on economic parameters that will guide the budget instructions, and provide for Board and public input into these instructions.
10/7/02, RECEIVED AND ASSIGNED to Finance Committee.

021706 **[Biennial Budgeting]**
Supervisor Maxwell

Hearing on the report by the Office of Legislative Analyst on Biennial Budgeting.
10/7/02, RECEIVED AND ASSIGNED to Finance Committee.

021707 **[Whistleblower Reports Within DBI]**
Supervisor Hall

Hearing on the Department of Building Inspection and recent whistleblower reports within the Department.
10/7/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021708 [Obesity and Diabetes Prevention]
Supervisors Leno, Maxwell

Hearing to consider the San Francisco Public Health Department and School District strategies for addressing obesity and diabetes prevention among adolescents.
10/7/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Motions

021685 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021709 [Committee of the Whole - 2012 Olympic Bid]
Supervisor Peskin

Motion scheduling a Committee of the Whole on October 15, 2002, at 3:00 PM to consider legislation amending Resolution No. 910-01, commending the efforts of the San Francisco Bay Area Sports Organizing Committee (BASOC) in achieving the status of finalist in the competition to select a U. S. Candidate City for the 2012 Olympic Games, removing the qualification that the City's obligations under the agreement are contingent upon BASOC not being in default of any of its obligations under the agreement, approving and authorizing the Mayor to execute agreements consistent with the terms and conditions in the Host City Agreement issued for the 2008 Olympic Games, and approving the First Amendment to the BASOC Agreement giving the City the right to require BASOC to fund any bid deposit.
10/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a Committee of the Whole on October 15, 2002, at 3:00 p.m.

PROPOSED RESOLUTIONS

021668 [Agreement of Purchase and Sale of Real Property Located at 190 9th Street, San Francisco]
Resolution authorizing the execution, delivery and performance of an Agreement of Purchase and Sale for Real Estate (along with all exhibits and schedules, the "Purchase Agreement"), between the City and County of San Francisco (the "City"), and Ninth and Howard LLC, a California limited liability company (the "Seller"), (including certain indemnities contained therein), for the purchase of real property and improvements located at 190 9th Street, San Francisco, for use as the Support Services Center of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. (Real Estate Department)

(Public Benefit Recipient.)
10/2/02, RECEIVED AND ASSIGNED to Finance Committee.

021669 [MTA Accept and Expend Regional Funds - $540,000]
Supervisor Sandoval

Resolution authorizing the Municipal Transportation Agency to accept and expend $540,000 of Traffic Congestion Relief Program funds for improvements to the Geneva Office Building. (Municipal Transportation Agency)

(No Public Benefit Recipient.)
10/1/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

Requests Granted

From: Supervisor Ammiano
To: City Librarian, Public Library
Requesting/Inquiring: Requesting that the City Librarian consider naming a Branch Library after former State Senator Mr. Milton Marks.

From: Supervisor Daly
To: City Attorney
Requesting/Inquiring: To draft separate ordinances that would:
1. Provide for a gift ban for all elected officials.
2. Prohibit the use of public funds for the printing or mailing of greeting cards.

From: Supervisor Hall
To: Director, Department of Public Health
To: Director, Department of Human Services
To: Director, Mayor's Office of Community Development
To: Director, Mayor's Office of Housing
To: Director, Department on the Status of Women
To: Director, Department of Children, Youth and Their Families
To: Director, Redevelopment Agency
Requesting/Inquiring: That the Directors of the Department of Public Health, Human Services, Community Development, Mayor's Office of Housing, Department on the Status of Women, Department of Children, Youth and Their Families and the Redevelopment Agency report what funds are allocated to organizations (according to the "Survey of the Cost of Direct Services Provided to the Homeless Population") that provide direct services to the homeless population, with a copy of each organization's annual budget. Moreover, please determine what standards each organization employs when determining who receives the services offered.

From: Supervisor Hall
To: Presiding Judge, Superior Court
Requesting/Inquiring: Inquiring why San Francisco Superior Court is cutting back their services (by closing a half-hour earlier) while increasing the cost of their services?

From: Supervisor Hall
To: Executive Director, Association of Bay Area Governments (ABAG)
Requesting/Inquiring: To contact the proper representative for each California City and County affiliated with the Association of Bay Area Governments (ABAG) and ask them to provide the following information:
1. How much, per fiscal year, do you spend on direct homeless services?
2. Do you conduct a homeless count; and, if so, what are your most recent numbers?
3. How many shelter beds for homeless citizens do you have in your city/county?

From: Supervisors Leno, Maxwell
To: City Attorney
Requesting/Inquiring: To draft legislation which would allow developers to be credited for affordable housing projects they build in advance of independent market rate projects.

From: Supervisor Newsom
To: Director, Department of Human Services
Requesting/Inquiring: To report on current contracts under the Housing and Homeless division, specifically by:
1. Type of services or service categories contracted.
2. Evaluation of the outcomes identified in each contract, including subcontracts.
3. Evaluation of any performance measurements of said contracts and subcontracts.

From: Supervisor Newsom
To: Director, Department of Human Services
To: Director, Mayor's Office on Homelessness
Requesting/Inquiring: Requesting a review of the contact for M.S.C. South operations. The review should present overall goals of the contract as well as the specific outcomes expected of the service provider.

From: Supervisor Sandoval
To: United States Bankruptcy Judge Dennis Montali
Requesting/Inquiring: Inquiring how Pacific, Gas and Electric Company could spend over $1,000,000 on the campaign to defeat Measure I in the November 2001 election after having filed for bankruptcy.

From: Supervisor Sandoval
To: Director, Planning Department
Requesting/Inquiring: To report on the progress of the San Francisco Outdoor Lighting Plan, for which the Department requested and received a $50,000 grant in the previous two fiscal years.

From: Supervisor Sandoval
To: General Manager, KNTV Channel 11
Requesting/Inquiring: To investigate and report on the location and number of households that have lost reception for NBC since the switch from KRON took place on January 1, 2002; and how KNTV intends to remedy the situation.

From: Supervisor Yee
To: City Attorney
Requesting/Inquiring: That the City Attorney sends a letter to the San Francisco Board of Education demanding under the Public Records Act all contracts, invoices, cancelled checks or other documentation that pertains to the expenditure or commitment to expend monies allocated under the 1997 Proposition A Bond be forwarded to the Clerk of the Board of Supervisors, the Office of the Budget Analyst and the Controller's Office. This request is a result of a lack of response promised by Mr. Tony Irons, Chief Operating Officer of the San Francisco Unified School District at the Finance Committee meeting on December 19, 2001. At that meeting Mr. Irons indicated that he would provide before Christmas the necessary invoices and other documentation explaining the reduction from $11 million to $9.4 million from the proposition A Bond. This request was also detailed in a letter to Mr. Tony Irons on December 20, 2001.

From: Supervisor Yee
To: City Attorney
Requesting/Inquiring: to draft legislation that will require all surplus revenue generated by Hetch Hetchy operations, contracts, land leases, or other Hetch Hetchy revenue generators be dedicated to the future needs of the Hetch Hetchy system.

In Memoriams

Alfred Wilsey (By the entire Board)
Alfred J. Nelder (By the entire Board)
Raymond Howell (Supervisor Peskin)
Rose Goldstein (Supervisor McGoldrick)
Eric V. Williams (Supervisor Ammiano)
Mr. Chi Ywai Hung (Supervisor Yee)
Pete Lapid (Supervisor Yee)
Gordon Chan (Supervisor Yee)
Bob Tibbits (Supervisor Peskin)

ADJOURNMENT

There being no further business, the Board at the hour of 3:57 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November ~~4~~, 2002. 12, 2002

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

DOCUMENTS DEPT
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PUBLIC LIBRARY

Tuesday, October 15, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	**Meeting Days**
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair. of the Committee.

Volume 97 Number 39

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisor was noted absent:

Supervisor Daly - 1

Quorum present.

Supervisor Daly was noted present at 2:01 p.m.

APPROVAL OF MEETING MINUTES

Supervisor McGoldrick, seconded by Supervisor Leno, moved approved the meeting minutes of August 26, 2002 and September 17, 2002. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

AGENDA CHANGES

The Clerk of the Board informed the Board that File No. 021458 will need to be continued.

Privilege of the Floor

Supervisor McGoldrick, seconded by Supervisor Yee, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisor McGoldrick presented a Certificate of Honor for the San Francisco Giants as the National League Pennant Winners.

Supervisor Ammiano introduced and welcomed representatives from Tanzania Grassroots Democracy.

CONSENT AGENDA

Recommendation of the Rules and Audits Committee

021535 [Settlement of Unlitigated Contractual Dispute]
Supervisor Gonzalez

Ordinance authorizing settlement of the unlitigated contractual dispute between the City and County of San Francisco and Health Management Systems, Inc. for a $550,000 payment to the City and amendment to the contract. (City Attorney)

(No Public Benefit Recipient.)

Ordinance No. 213-02
FINALLY PASSED

Recommendation of the Finance Committee

021417 [Eliminating the Mayor's Office Cash Revolving Fund]
Mayor

Ordinance amending the San Francisco Administrative Code by repealing Section 10.148, to eliminate the Mayor's Office cash revolving fund. (Mayor)

Ordinance No. 211-02
FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Finance Committee

021526 **[New Mission Bay Branch Library]**
Mayor

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with the Redevelopment Agency of the City and County of San Francisco for the purchase of a new Mission Bay Branch Library of the San Francisco Public Library to be constructed and located on land that is referred to herein as Parcel N3a-1 fronting on 4th Street between Berry Street and the Mission Creek Channel within the Mission Bay North Redevelopment Plan Area; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance. (Mayor)

(Fiscal impact.)

Ordinance No. 212-02
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Recommendations of the Public Works and Public Protection Committee

020155 **[Building and Planning Code Amendment]**
Supervisors Yee, Sandoval, Leno

Ordinance amending San Francisco Building Code by adding Sections 104.6 through 104.6.3 and amending the San Francisco Planning Code by adding Section 306.10 to require publication of a cover sheet with neighborhood notices advising how to request information about the notices in multiple languages and making findings.

Supervisor Leno requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020784 **[Resource Conservation - Batteries]**
Supervisors Sandoval, McGoldrick, Yee, Gonzalez, Daly

Ordinance amending the Resource Conservation Ordinance, Chapter 21A of the Administrative Code, to require the purchase and use of rechargeable batteries by City departments and to require other practices that will increase battery recycling by the City.

Ordinance No. 210-02
FINALLY PASSED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

NEW BUSINESS

Recommendations of the Finance Committee

021579 **[Prevailing Wage]**

Resolution fixing the highest general prevailing rate of wages for various crafts and kinds of labor, and for janitorial services, as paid for similar work in private employment in the City and County of San Francisco, at the rates certified to the Board by the Civil Service Commission on September 16, 2002. (Civil Service Commission)

(No Public Benefit Recipient.)

Resolution No. 715-02

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021458 **[Amend Police Code Section 1070.16]**

Supervisors Leno, Daly

Ordinance amending San Francisco Police Code Section 1070.16 to allow adults over the age of 18 into after hours premises.

Continued to October 28, 2002.

Supervisor Leno, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021459 **[Amend Police Code Sections 1060.28 and 1070.27]**

Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Sections 1060.28 and 1070.27 to require places of entertainment and after hours premises with a dance floor and a capacity of 500 persons or more to provide or sell at a reasonable cost earplugs to patrons.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021460 **[Amend Police Code Sections 1060.5 and 1070.5]**

Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Sections 1060.5 and 1070.5 to require 30 days notice of permit application for place of entertainment and after hours premises.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021461 **[Amend Police Code Section 1024]**

Supervisors Leno, Daly, Gonzalez

Ordinance amending Section 1024 of the San Francisco Police Code to remove references to "moral character" of applicant and to allow Chief of Police to consider criminal and permit history of applicant in determining whether to grant or deny application.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Recommendations of the Health and Human Services Committee

020348 **[Request an ABAWD (Able Bodied Adults without Dependents) Waiver from the State Department of Social Services]**

Resolution authorizing the Department of Human Services to request an ABAWD Waiver from the State Department of Social Services. (Human Services Department)

(No Public Benefit Recipient.)

Resolution No. 713-02

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020964 **[Mental health services from the San Francisco Public Health to the Comprehensive Asian Preschool Services (CAPS) Project]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter retroactively into an agreement in the amount of $33,000 with Asian American Recovery Services, Inc. (AARS), the primary contractor, to continue participating in the implementation of the Comprehensive Asian Preschool Services (CAPS) project; for the period of August 6, 2002, to December 31, 2002. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 709-02

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021159 **[Participate in development of a system to provide early and accurate detection of biological threats]**

Resolution authorizing the City and County of San Francisco, Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $33,440 with The Board of Trustees of the Leland Stanford Junior University (STANFORD), the primary contractor, to participate in the development of a system to detect biological threats; for the period of February 10, 2002 to February 11, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 710-02

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021252 **[Support Implementation of a federally mandated evaluation system]**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (DPHAO) to enter retroactively into an agreement with the California Department of Health Services Office of AIDS (OA), the primary contractor, and expend funds in the amount of $25,310 for evaluation services; for the period of July 1, 2002 to December 31, 2002. (Public Works Department)

(No Public Benefit Recipient.)

Resolution No. 711-02

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021542 **[Refugee County Plan]**
Resolution approving the San Francisco Federal Fiscal Year 2002 Refugee County Plan. (Private Industry Council)

(Public Benefit Recipient.)

Resolution No. 714-02
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Recommendation of the Rules and Audits Committee

021609 **[Planning Commission - Alternative Review Process]**
Supervisors Peskin, McGoldrick

Reenactment of emergency ordinance amending the San Francisco Planning Code by amending Section 306, and amending the San Francisco Administrative Code by amending Sections 2A.53 and 31.04, to provide for an alternative process to Planning Commission review where the Planning Commission is unable to meet because a majority of its members has not been appointed; adopting declaration of emergency under Charter Section 2.107; and setting forth period of time within which this reenacted emergency ordinance shall be operative.

Supervisor Peskin moved an amendment of the whole bearing same title.
Continued to October 21, 2002 with pending amendment of the whole.

Supervisor McGoldrick requested to be added as a co-sponsor.
Supervisor Gonzalez, seconded by Supervisor Sandoval, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of File No. 021709)

021581 [Hearing - Bay Area Sports Organizing Committee/Approving the First Amendment to the BASOC Agreement]
Supervisor Ammiano

Hearing to consider legislation amending Resolution No. 910-01, commending the San Francisco Bay Area Sports Organizing Committee (BASOC) in achieving the status of finalist in the competition for 2012 Olympic Games, and approving the First Amendment to the BASOC Agreement.

(Companion measure to Files 021688, 021709.)

Ann Cribbs, Bay Area Sports Organizing Committee (BASOC); Member of the 1984,1988 Fencing Olympic Team; Stan Warren, Golden Gate Council; Walter Johnson, Labor Council; Gene Dermody, Past President, Federation of Gay Games; Colin Schmidt, Bay Area Scores; Stephen Cornell, District Merchants Council/Small Business; Member of BASOC, Rosie Cassals, Executive Member of BASOC; 1968 Olympic Team Member; Reuben David Goodman; Max Baer, SF Giants and Member of BASOC; Ryan Chamberlain, Member of BASOC; Rob Wyker, Member of BASOC.

Public Hearing held.

President declared the public hearing closed.

Committee of the Whole Rise and Report Without Recommendation

021688 [Amend Res. No. 910-01 Efforts of the San Francisco Bay Area - Olympic Games]
Supervisors Peskin, Leno, Newsom, Hall, McGoldrick, Sandoval

Resolution amending Resolution No. 910-01, commending the efforts of the San Francisco Bay Area Sports Organizing Committee (BASOC) in achieving the status of finalist in the USOC's competition to select a U.S. Candidate City for the 2012 Olympic Games; removing the qualification that the City's obligations under the Joinder Agreement are contingent upon BASOC not being in default of any of its obligations under the BASOC Agreement; approving and authorizing the Mayor to execute such agreements, including a Host City Agreement, as are consistent with the terms and conditions included in the Host City Agreement issued by the IOC for the 2008 Olympic Games, should the International Olympic Committee (IOC) choose San Francisco in 2005 as the Host City for the 2012 Summer Olympic Games; and approving the First Amendment to the BASOC Agreement giving the City the right to require BASOC to fund any bid deposit.

Supervisors Leno, Newsom, Hall, McGoldrick and Sandoval requested to be added as co-sponsors.

Resolution No. 691-02

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

SPECIAL ORDER 3:00 P.M.

021635 **[Public Hearing - Appeal, Minor Sidewalk Encroachment, 1901 Hyde Street]**
Hearing appealing the decision of the Department of Public Works by its letter dated September 13, 2002, disapproving Minor Sidewalk Encroachment Permit No. 02MSE-342 to legalize the construction of a trash can storage enclosure on Green Street within the public sidewalk right-of-way, and the existing menu board advertising Frascati Restaurant at 1901 Hyde Street.

(Appeal filed September 26, 2002 by Rebekah and Rich Wood; companion measure to Files 021636 and 021637; District 2.)
Appellants: Rich and Rebekah Wood, Owners of Frascati Restaurant

Nick Elsner, Representative of the Department of Public Works.

Reuben David Goodman; support of the appellant

A rebuttal period was allowed.

President then declared the public hearing closed.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

021636 **[Appeal, Minor Sidewalk Encroachment-1901 Hyde Street]**
Motion disapproving the decision of the Department of Public Works' denial of an Encroachment Permit for 1901 Hyde Street and granting an Encroachment Permit. (Clerk of the Board)

Supervisor Yee, seconded by Supervisor Hall, moved Continued to October 28, 2002. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Hall, Leno, McGoldrick, Newsom, Peskin, Yee
Noes: 2 - Gonzalez, Maxwell
Absent: 1 - Sandoval

021637 **[Appeal, Minor Sidewalk Encroachment-1901 Hyde Street]**
Motion affirming the Department of Public Works' denial of an Encroachment Permit for 1901 Hyde Street and denying an Encroachment Permit. (Clerk of the Board)

Supervisor Yee, seconded by Supervisor Hall, moved Continued to October 28, 2002. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Hall, Leno, McGoldrick, Newsom, Peskin, Yee
Noes: 2 - Gonzalez, Maxwell
Absent: 1 - Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Louis Calabro; Europhobia
Abdalla Megahed; stop the war
John Kelly; Drug and Alcohol treatment
James Chaffee; SF Public Library
Veronica Cauley; Commissioner Veterans Affairs; jobs for transgenders; Memorial for Officer John Woods
Reuben David Goodman; First Amendment rights
John Jenkel; national political issues
Youth Commissioner; Appreciation of the Relocation of Phoenix School

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation Plaintiff or Defendant

021718 **[Anticipated Litigation - Construction-Related Disputes]**
Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur regarding potential construction-related disputes.

This closed session would be permitted by Government Code Section 54956.9(b) (1)and 54956.9(c), and San Francisco Administrative Code Section 67.10(d) (2). (City Attorney)

Supervisor Peskin, seconded by Supervisor Leno, moved to convene in closed session. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, Peskin, Sandoval
Absent: 3 - Hall, McGoldrick, Yee

021578 **[Anticipated Litigation - AT&T Broadband et al.]**
Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur with Television Signal Corporation and AT&T Broadband et al. regarding compliance with the City's cable television franchise and AT&T Broadband's proposed merger with Comcast. (City Attorney)

This closed session would be permitted by Government Code Section 54956.9(b) and (c) and the San Francisco Administrative Code Section 67.10(d).

Supervisor Peskin, seconded by Supervisor Leno, moved Continued to November 12, 2002. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, Peskin, Sandoval
Absent: 3 - Hall, McGoldrick, Yee

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

021683 **[Existing Litigation - California Rifle and Pistol Association, California Sporting Goods Association, John Doe, and Richard Roe V. City and County of San Francisco]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following litigation filed against the City and County of San Francisco by plaintiffs who have challenged the validity of the City's assault weapons ban.

California Rifle and Pistol Association, California Sporting Goods Association, John Doe, and Richard Roe V. City and County of San Francisco, San Francisco Board of Supervisors, Terence Hallinan, Fred Lau, San Francisco Police Department, Gloria Young, and Does 1-25
San Francisco Superior Court No. 403-224, filed 1/8/02

The Closed Session is permitted by California Government Code Section 54956.9 (a) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending litigation. (City Attorney)

Supervisor Peskin, seconded by Supervisor Gonzalez, moved to convene in closed session. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, Peskin, Sandoval
Absent: 3 - Hall, McGoldrick, Yee

Heard in Closed Session

Recess

The Board recessed at the hour of 5:27 p.m. to convene in closed session pursuant to above motion.

Reconvening of the Board

The Board at the hour of 5:47 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, McGoldrick, Newsom, Peskin - 9

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Sections 54956.9 (a) and 54956.9 (b) and (c) for the purpose of conferring with, or receiving advice from the City Attorney regarding pending and existing litigation.

Persons in attendance:
Supervisors Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, McGoldrick, Newsom, Peskin
Dennis Herrera, City Attorney
Ted Lakey, Deputy City Attorney
Jo Heper, Deputy City Attorney
Wayne Snodgrass, Deputy City Attorney
Edward Harrington, Controller
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

Hearing Held.

[Elect To Disclose]
Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor McGoldrick, seconded by Supervisor Peskin, moved not to disclose it closed session deliberations. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Hall, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021689 [Support SFFD - National Fire Prevention Week - 10/12/02]
Supervisors Sandoval, Newsom, McGoldrick

Resolution supporting the San Francisco Fire Department Open House for National Fire Prevention Week taking place on Saturday, October 12, 2002.

Supervisors Newsom and McGoldrick requested to be added as co-sponsors.

Resolution No. 716-02
ADOPTED

021690 [Recognize Dr. Harry Weinstein]
Supervisors Ammiano, Sandoval, McGoldrick

Resolution in recognition of Dr. Harry Weinstein for his excellence in teaching, research and community leadership in the field of home health.

Supervisors Sandoval and McGoldrick requested to be added as co-sponsors.

Resolution No. 717-02
ADOPTED

021691 [Urge INS to reunite the family and change procedures and rules]
Supervisors Ammiano, Daly, Peskin, Sandoval, McGoldrick

Resolution urging the Immigration and Naturalization Service (INS) to do what is necessary to reunite the family and urging the INS and Department of Justice to change their procedures and rules so that similar separations do not occur in the future.

Supervisors Daly, Peskin, Sandoval, and McGoldrick requested to be added as co-sponsors.

Resolution No. 718-02
ADOPTED

021692 [Commend SF Food Bank]
Supervisors Leno, Daly, Peskin, Sandoval, Newsom, McGoldrick

Resolution commending the San Francisco Food Bank for over 15 years of service to feeding the hungry members of the San Francisco community.

Supervisors Daly, Peskin, Sandoval, Newsom and McGoldrick requested to be added as co-sponsors.

Resolution No. 719-02

ADOPTED

021693 [Commend Jewish Bulletin of Northern California]
Supervisors Leno, Peskin, Newsom, McGoldrick

Resolution commending the Jewish Bulletin of Northern California for printing gay and lesbian union announcements since 1997 and for recently deciding to include them under the same heading of "Weddings" with heterosexual marriage announcements.

Supervisors Peskin, Newsom, and McGoldrick requested to be added as co-sponsors.

Resolution No. 720-02

ADOPTED

021694 [Commend California Outdoor Rollerskating Association]
Supervisor Leno

Resolution commending the California Outdoor Rollerskating Association for their public service and their efforts in promoting San Francisco as the host city for the Olympic Games in 2012.

Resolution No. 721-02

ADOPTED

021695 [Commend Elton John AIDS Foundation]
Supervisors Leno, Newsom, Sandoval

Resolution commending the Elton John AIDS Foundation and declaring Wednesday, October 16th, 2002, Elton John AIDS Foundation Day in the City of San Francisco.

Supervisors Newsom and Sandoval requested to be added as co-sponsors.

Resolution No. 722-02

ADOPTED

021696 [Commend Tenderloin Neighborhood Development Corporation]
Supervisors Leno, Daly, Maxwell, Newsom, Peskin, McGoldrick, Sandoval

Resolution commending Tenderloin Neighborhood Development Corporation (TNDC) for their commitment to providing affordable housing in downtown San Francisco.

Supervisors McGoldrick and Sandoval requested to be added as co-sponsors.

Resolution No. 723-02

ADOPTED

021697 [Commend Producers Of Civil Wrongs and Rights: Fred Korematsu Story]
Supervisors Leno, Newsom, Gonzalez, Peskin, Sandoval, McGoldrick

Resolution commending the producers, director, and editors of the documentary film, Of Civil Wrongs and Rights: The Fred Korematsu Story, on their Emmy Awards for film direction and editing.

Supervisors Sandoval and McGoldrick requested to be added as co-sponsors.

Resolution No. 724-02
ADOPTED

021698 [Commend North of Market Planning Coalition]
Supervisors Daly, McGoldrick, Sandoval

Resolution commending the North of Market Planning Coalition for 25 years of advocacy for the diverse North of Market community.

Supervisors McGoldrick and Sandoval requested to be added as co-sponsors.

Resolution No. 725-02
ADOPTED

021685 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M02-177
APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 2 - McGoldrick, Sandoval

Severed From For Adoption Without Committee Reference Agenda

Supervisor Peskin requested that this matter be severed and considered separately.

021709 [Committee of the Whole - 2012 Olympic Bid]
Supervisor Peskin

Motion scheduling a Committee of the Whole on October 15, 2002, at 3:00 PM to consider legislation amending Resolution No. 910-01, commending the efforts of the San Francisco Bay Area Sports Organizing Committee (BASOC) in achieving the status of finalist in the competition to select a U. S. Candidate City for the 2012 Olympic Games, removing the qualification that the City's obligations under the agreement are contingent upon BASOC not being in default of any of its obligations under the agreement, approving and authorizing the Mayor to execute agreements consistent with the terms and conditions in the Host City Agreement issued for the 2008 Olympic Games, and approving the First Amendment to the BASOC Agreement giving the City the right to require BASOC to fund any bid deposit.

Motion No. M02-178

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Leno, seconded by Supervisor Maxwell, moved ADOPTION of the commendary finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 2 - McGoldrick, Sandoval

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Leno, seconded by Supervisor Maxwell, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 2 - McGoldrick, Sandoval

021725 [Commending San Francisco Giants]

Supervisors McGoldrick, Peskin, Ammiano, Yee, Leno, Hall, Daly, Maxwell, Newsom, Gonzalez, Sandoval

Resolution commending 2002 National League Pennant Winners the San Francisco Giants.

Resolution No. 726-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Yee
Absent: 2 - McGoldrick, Sandoval

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021726 **[Regulation of mobile storage containers on the public right-of-way]**
Supervisor Sandoval

Ordinance adding Sections 726 et seq. of the Public Works Code to regulate placement of mobile storage containers on the public right-of-way.
10/16/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 11/14/2002.

021727 **[Authorization for the use of identification numbers in lieu of permit numbers for lawfully erected general advertising signs]**
Supervisor Leno

Ordinance amending San Francisco Planning Code Chapter 6, Section 604.1(c), to modify the authority of the Director of the Planning Department to approve the use of identification numbers in lieu of the required permit numbers for general advertising signs, by deleting language that restricts the use of the substitute identification numbers to general advertising signs that existed at their current locations at the time of the Department's 1966 sign inventory.
10/15/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 11/14/2002.

Resolutions

021725 **[Commending San Francisco Giants]**
Supervisors McGoldrick, Peskin, Ammiano, Yee, Leno, Hall, Daly, Maxwell, Newsom, Gonzalez, Sandoval

Resolution commending 2002 National League Pennant Winners the San Francisco Giants.
10/15/02, ADOPTED.

021728 **[Accept-Expend State Grant - $598,628]**
Mayor

Resolution authorizing the Mayor's Criminal Justice Council to retroactively accept and expend a grant in the amount of $598,628 from the Office of Criminal Justice Planning (OCJP) for the purpose of implementing local juvenile justice accountability measures through the Juvenile Accountability Incentive Block Grant program (JAIBG), (Mayor)

(Public Benefit Recipient.)
10/15/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021729 [Accept-Expend Federal Grant - $599,102]
Mayor

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $599,102 from the Office of Justice Programs (OJP), Violence Against Women Office (VAWO) for the purpose of encouraging policies that treat domestic violence and sexual assault as serious violations of criminal law. (Mayor)

(Public Benefit Recipient.)
10/15/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021730 [Nature by Design Environmental Trade Show]
Supervisors Yee, Daly

Resolution inviting San Francisco and Bay Area residents to attend the Nature by Design Environmental Trade Show at City Hall from 10 AM to 3 PM on Sunday, October 27, 2002.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021731 [Prohibit City employees from using cell phone while driving city vehicles]
Supervisors Sandoval, Daly

Resolution urging Mayor Brown to make the prohibition of cell phone use while driving city vehicles a top priority in the coming negotiations between the City and various organizations representing City employees.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021732 [Extend Potrero Power Plant Citizens Advisory Task Force]
Supervisor Maxwell

Resolution extending the Potrero Power Plant Citizens Advisory Task Force timeline to November 1, 2003, and expanding its composition.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021733 [Urge DPT Expand Page Street Mini-Circle from Scott to Fillmore]
Supervisor Gonzalez

Resolution urging the Department of Parking and Traffic to pursue, wherever possible, funding for the purpose of expanding the Page Street Mini-Circle project from Scott Street to Fillmore Street.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021734 [Commend President Jimmy Carter]
Supervisors McGoldrick, Leno, Daly

Resolution commending former President Jimmy Carter for receiving the 2002 Nobel Peace Prize.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021735 **[Commend Family Violence Prevention Fund, La Casa de las Madres, and Asian Women's Shelter]**
Supervisors Sandoval, Daly

Resolution commending the Family Violence Prevention Fund, La Casa de las Madres, and Asian Women's Shelter for their efforts to end domestic violence in honor of National Domestic Violence Awareness Month.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021736 **[Commend organizers of San Francisco Tenant Leadership Summit]**
Supervisor Daly

Resolution commending the organizers of the San Francisco Tenant Leadership Summit for bringing together community members and organizations to address the major issues affecting San Francisco's tenant community.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021746 **[Ford Motor Company - Th!nk electric cars]**
Supervisors Newsom, Daly, Gonzalez

Resolution urging the Ford Motor Company to fulfill its obligations to the letter of the law and the spirit of the California Air Resources Board Zero Emissions Vehicle Mandate and to explore every avenue available to ensure the continued production of Th!nk City electric vehicles so that they may continue to be offered for sale in San Francisco.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

021737 **[Water Main Rupture near Bacon Street]**
Supervisor Ammiano

Hearing to consider the rupture in the water main near Bacon Street on October 13, 2002.
10/15/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021738 **[Events at Thurgood Marshall High School]**
Supervisor Ammiano

Hearing of the Joint Board of Education/Board of Supervisors Committee to consider the events at Thurgood Marshall High School on October 11, 2002.
10/15/02, RECEIVED AND ASSIGNED to City and School District Committee.

021744 **[Etrans, LLC Franchise Proposal]**

Hearing to consider Etrans, LLC Franchise Proposal to the City and County of San Francisco for an electric utility franchise agreement, pursuant to Chapter 11, Article 1, Section 11.12 of the San Francisco Administrative Code. (Clerk of the Board)

(Controller shall complete the City's review costs and estimate of applicant's proposal fee within 15 business days of receipt of application.)
10/15/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021745 **[Gtrans, LLC Franchise Proposal]**

Hearing to consider Gtrans, LLC Franchise Proposal to the City and County of San Francisco for a gas utility franchise agreement, pursuant to Chapter 11, Article 1, Section 11.12 of the San Francisco Administrative Code. (Clerk of the Board)

(Controller shall complete the City's review costs and estimate of applicant's proposal fee within 15 business days of receipt of application.)
10/15/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

Motions

021739 **[Rescind M02-169 - Approving Mayor's Nomination, Michael Antonini to Planning Commission]**
Supervisors Gonzalez, McGoldrick, Peskin, Sandoval

Motion rescinding Motion No. M02-169 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Michael Antonini to Seat No. 4 of the Planning Commission, term to be determined by lot.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021740 **[Rescind M02-170 - Approving Mayor's Nomination, Shelley Bradford Bell to Planning Commission]**
Supervisors Gonzalez, McGoldrick, Peskin, Sandoval

Motion rescinding Motion No. M02-170 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Shelley Bradford Bell to Seat No. 5 of the Planning Commission, term to be determined by lot.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021741 **[Rescind M02-171 - Approving Mayor's Nomination, Edgar Boyd to Planning Commission]**
Supervisors Gonzalez, McGoldrick, Peskin, Sandoval

Motion rescinding Motion No. M02-171 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Edgar Boyd to Seat No. 6 of the Planning Commission, term to be determined by lot.
10/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021742 **[Assessment of Cost of Proposition O]**
Supervisor McGoldrick

Motion directing the Budget Analyst to assess the cost per person to residents of San Francisco if voters approve Proposition O on the November ballot.
10/15/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021743 **[Legislative Analyst Request]**
Supervisor Sandoval

Motion asking the Legislative Analyst to conduct a survey of all city departments to: (1) determine their use of Geographic Information Systems (GIS); (2) determine whether the Board of Supervisors, city departments, and the public has access to or could have access to such GIS systems; (3) research the possible linkage of all such systems.
10/15/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 21, 2002.

PROPOSED ORDINANCES

021679 **[Settlement of Lawsuit]**
Ordinance authorizing settlement of the lawsuit filed by Robin Dubner against the City and County of San Francisco for $205,000; the lawsuit was filed on 12/31/97 in the U.S. District Court, Case No. 98-1075; entitled Robin Dubner v. City and County of San Francisco, et al. (City Attorney)

(No Public Benefit Recipient.)
10/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED RESOLUTIONS

021585 **[Treatment on demand substance abuse services and evaluation in San Francisco]**
Supervisor Leno

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $1,000,000 from the Substance Abuse and Mental Health Services Administration (SAMHSA) to continue treatment on demand services and evaluation and to enter into an agreement for the use of these funds; for the period of August 1, 2002, to July 31, 2003. (Public Health Department)
10/3/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Supervisor Leno requested to be added as a co-sponsor.

021674 **[Plans for public health preparedness and response to bioterrorism]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant allocation in the amount of $766,187 from the California Department of Health Services (CDHS) to further develop and implement plans for public health preparedness and response to bioterrorism and to enter into an agreement for the use of these funds; for the period of July 1, 2002 to June 30, 2003. (Public Health Department)
10/3/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021675 [Street Artist Winter Holiday Spaces]
Supervisor Leno

Resolution designating temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2002, beginning on November 15, 2002 and ending on January 15, 2003. (Arts Commission)

10/4/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

Supervisor Leno requested to be added as a co-sponsor.

Requests Granted

From: Supervisor Newsom
To: City Attorney
Requesting/Inquiring: To amend Ordinance Nos. 88-96, 281-96, 271-97 and 427-97, which amended the San Francisco Police Code to prohibit tour buses on El Camino del Mar between the Presidio (approximately 290 feet east of 25th Avenue) and Legion of Honor Drive and 25th Avenue between Lake Street and El Camino del Mar, to provide that this prohibition on tour buses shall expire on December 31, 2007.

From: Supervisor Newsom
To: City Attorney
Requesting/Inquiring: To draft legislation to create a set of protocols and procedures establishing a reimbursement mechanism so that the Department of Public Works may recoup its costs for the clean up of all properties leased by the City and County of San Francisco.

From: Supervisor Newsom
To: Department of Public Works
Requesting/Inquiring: To report on the current education and enforcement procedures regarding the abatement of trash and keeping clean streets.

From: Supervisor Newsom
To: Department of Public Works
Requesting/Inquiring: To report on the current workforce availability on Sundays, and what measures may be taken to increase the size or deployment of this workforce.

From: Supervisor Newsom
To: Director, Department of Public Works
Requesting/Inquiring: To report on the current follow-up protocols for 28-CLEAN staff to call back members of the public who have called them to report litter and/or graffiti.

From: Supervisor Newsom
To: Department of Administrative Services- Real Estate Division
Requesting/Inquiring: To report on any existing or proposed guidelines for maintenance of any properties that are leased by the City and County of San Francisco. Specifically, is this a current guideline incorporated into a lease agreement, if not, please explain the rationale for its omission.

From: Supervisor Newsom
To: Police Department
Requesting/Inquiring: To report on the current or planned back-up procedures (or set of protocols) for the Department of Public Works' enforcement of citation efforts for illegal dumping or throwing trash on the streets in the City and County of San Francisco.

From: Supervisor Newsom
To: Chief Earl Sanders, Police Department,
Requesting/Inquiring: To report on the annual number of citations issued for either littering or illegal dumping in the City and County of San Francisco; and what is the total amount of fees collected for these citations.

From: Supervisor Newsom
To: Port of San Francisco
To: San Francisco Housing Authority
To: Municipal Transportation Authority
To: Department of Parking and Traffic
To: Public Utilities Commission

To: San Francisco Unified School District
Requesting/Inquiring: To report on any existing or proposed measures to reimburse the Department of Public Works to clean trash or abate graffiti from any properties leased by the City to their agency.

From: Supervisor Newsom
To: Public Utilities Commission
To: Department of Public Health
To: Recreation and Park Department
To: Department of the Environment
Requesting/Inquiring: To report on any existing or planned departmental activities in response to the West Nile Virus.

From: Supervisor McGoldrick
To: City Attorney
Requesting/Inquiring: To draft an amendment to Section 16.86 of the Administrative Code related to qualifying for the "Heart Presumption" set out in Section 16.85

From: Supervisor Sandoval
To: Department of Parking and Traffic
To: John V. Gunther
1920A Ocean Avenue
San Francisco, CA 94127
Requesting/Inquiring: To report on the feasibility of installing "2 Hour Parking Limit" signs on Ocean Avenue from Junipero Serra to Phelan Avenue as soon as possible, even if parking meters in that area have not yet been installed.

From: Supervisor Sandoval
To: Department of Parking and Traffic
Requesting/Inquiring: To report on the feasibility of establishing a stop sign at the intersection of Huron Avenue and Lawrence Street.

From: Supervisor Leno
To: City Attorney
Requesting/Inquiring: To draft legislation requiring that the San Francisco purchasing office be required to purchase paper with 100% post consumer product instead of 30%.

From: Supervisors Gonzalez, McGoldrick, Peskin, Sandoval
To: Sheriff Department
Requesting/Inquiring: To report on the charges, surcharges, and taxes for prisoners' use of telephones in the San Francisco Jail, where such funds received by the Sheriff's department are directed, and the current status of the contract for telephone service.

From: Supervisor Ammiano
To: City Attorney
Requesting/Inquiring: To consult with the San Francisco Public Utilities Commission to develop proposed steps for expecting damage claims arising from the water main rupture on October 13, 2002.

In Memoriams

Peter Henschel (Supervisor Peskin)
Chief Thomas J. Cahill (Entire Board)
Nicholas A. Sapunar (Supervisor Hall)

ADJOURNMENT

There being no further business, the Board at the hour of 5:50 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 12, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

***City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689***

MEETING MINUTES

DOCUMENTS DEPT
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Monday, October 21, 2002 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

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*TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*

Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 40

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

The meeting was called to order at 2:07 p.m.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Leno, seconded by Supervisor Yee, moved to approve meeting minutes of September 23, 2002. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

AGENDA CHANGES

Supervisor Gonzalez informed the Board that File Nos. 021739, 021740 and 021741 may be continued.

The Clerk of the Board informed the Board that File No. 021743 may be tabled.

COMMUNICATIONS

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Leno, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to Sean Brooks representative of "SF Food Bank".

Supervisor Yee introduced, welcomed and presented a Certificate of Honor to the winners of the 39th Cable Car Bell Ringers Contest.

Supervisor Yee introduced, welcomed and presented a Certificate of Honor to members of the West Bay Filipino Multi Service Center and to students of the Bessie Carmichael School.

Supervisor Yee presented a Certificate of Honor for the California Academy of Sciences.

Supervisor Yee presented a Certificate of Honor for the "Friends of the Children".

CONSENT AGENDA

Recommendations of the Transportation and Commerce Committee

021521 [Accept and expend state grant funds for FY 02-03 totaling $80,000 for the Glen Park BART Station Area Plan Project in San Francisco.]
Supervisor Leno

Resolution authorizing the Director of the Planning Department to accept and expend State Highway Account Community-Based Transportation Planning funds totaling $80,000 with required local matching funds totaling $20,000 for the Bay Area Rapid Transit (BART) Glen Park Station Area Plan Project in the City and County of San Francisco.

Resolution No. 727-02
ADOPTED

021601 [Authorizing Planning Director to accept and expend a $15,000 grant from BART]
Supervisor Leno

Resolution authorizing the Director of the Planning Department to accept and expend funds totaling $15,000 from the Bay Area Rapid Transit (BART) for the Glen Park BART Station Area Plan Project in the City and County of San Francisco.

(No Public Benefit Recipient.)

Resolution No. 730-02
ADOPTED

Recommendations of the Finance Committee

021459 [Amend Police Code Sections 1060.28 and 1070.27]
Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Sections 1060.28 and 1070.27 to require places of entertainment and after hours premises with a dance floor and a capacity of 500 persons or more to provide or sell at a reasonable cost earplugs to patrons.

Supervisor Gonzalez requested to be added as a co-sponsor.
Ordinance No. 215-02
FINALLY PASSED

021460 [Amend Police Code Sections 1060.5 and 1070.5]
Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Sections 1060.5 and 1070.5 to require 30 days notice of permit application for place of entertainment and after hours premises.

Supervisor Gonzalez requested to be added as a co-sponsor.
Ordinance No. 216-02
FINALLY PASSED

021461 [Amend Police Code Section 1024]
Supervisors Leno, Daly, Gonzalez

Ordinance amending Section 1024 of the San Francisco Police Code to remove references to "moral character" of applicant and to allow Chief of Police to consider criminal and permit history of applicant in determining whether to grant or deny application.

Supervisor Gonzalez requested to be added as a co-sponsor.
Ordinance No. 217-02
FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Public Works and Public Protection Committee

020155 [Building and Planning Code Amendment]
Supervisors Yee, Sandoval, Leno

Ordinance amending San Francisco Building Code by adding Sections 104.6 through 104.6.3 and amending the San Francisco Planning Code by adding Section 306.10 to require publication of a cover sheet with neighborhood notices advising how to request information about the notices in multiple languages and making findings.

Supervisor Gonzalez requested to be added as a co-sponsor.

Ordinance No. 214-02

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Recommendation of the Rules and Audits Committee

021609 [Planning Commission - Alternative Review Process]
Supervisors Peskin, McGoldrick , Gonzalez

Reenactment of emergency ordinance amending the San Francisco Planning Code by amending Section 306, and amending the San Francisco Administrative Code by amending Sections 2A.53 and 31.04, to provide for an alternative process to Planning Commission review where the Planning Commission is unable to meet because a majority of its members has not been appointed; adopting declaration of emergency under Charter Section 2.107; and setting forth period of time within which this reenacted emergency ordinance shall be operative.

Supervisor Peskin, seconded by Supervisor Newsom, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisor Hall, seconded by Supervisor Newsom, moved to continue this item until after the Mayor's State of the Citys Address.

Motion to continue this item failed by the following vote:
Ayes: 3 - Hall, Newsom, Yee
Noes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval

Supervisor Gonzalez requested to be added as a co-sponsor.

Ordinance No. 218-02

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

NEW BUSINESS

Recommendations of the Finance Committee

021236 [Amending Section 110 of the San Francisco Building Code To Increase Fees For Services]

Ordinance amending Section 110 of the San Francisco Building Code to increase fees for Department of Building Inspection services. (Building Inspection Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021580 [Accept and expend a gift of $29,259 from the Friends and Foundation of the San Francisco Public Library]

Resolution authorizing the San Francisco Public Library to accept and expend a gift in the amount of $29,259 from the Friends and Foundation of the San Francisco Public Library to support public programming and outreach at Branch Libraries and to continue production of a monthly newsletter to promote programs, services and special events offered by the Public Library. (Public Library)

(No Public Benefit Recipient.)

Resolution No. 729-02

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

From Finance Committee Without Recommendation

021668 [Agreement of Purchase and Sale of Real Property Located at 190 9th Street, San Francisco]

Resolution authorizing the execution, delivery and performance of an Agreement of Purchase and Sale for Real Estate (along with all exhibits and schedules, the "Purchase Agreement"), between the City and County of San Francisco (the "City"), and Ninth and Howard LLC, a California limited liability company (the "Seller"), (including certain indemnities contained therein), for the purchase of real property and improvements located at 190 9th Street, San Francisco, for use as the Support Services Center of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; placing $250,000 on reserve. (Real Estate Department)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 731-02

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Recommendations of the Public Works and Public Protection Committee

020493 **[Front Yard Paving]**
Supervisors Sandoval, Daly, Gonzalez

Ordinance amending Sections 132 and 136 of the Planning Code to require that twenty percent of required setback areas remain unpaved and devoted to plant material, and to prohibit parking from obstructing required setbacks, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and the General Plan.

(Planning Commission Resolution #16450 adopted 6/27/02 recommending approval; Certificate of Exemption/Exclusion from Environmental Review dated 6/19/02)

Supervisor Gonzalez requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021572 **[Accept - Expend Federal Grant]**
Mayor

Resolution authorizing the Mayor of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $1,609,555 from the U.S. Department of Justice, Bureau of Justice Assistance, to administer the Local Law Enforcement Block Grant Program. (Mayor)

(Public Benefit Recipient.)

Resolution No. 728-02
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Recommendation of the Transportation and Commerce Committee

021098 **[Requiring Minimum Square Footage for Off-site Units and Clarifying Unit Requirements in Inclusionary Affordable Housing Program]**
Supervisors McGoldrick, Leno, Daly, Gonzalez

Ordinance amending Planning Code Section 315.5 to provide that off-site units produced to meet the City's Inclusionary Affordable Housing Program shall be of a similar square footage to the units produced [illegible] principle project; amending Sections 315.4 and 315.5 to change the method of calculating the requirement for number of units produced under the Inclusionary Affordable Housing Program to more closely reflect the percentages stated in the text of the Ordinance.

(Revised General Rule Exclusion dated 8/9/02)

Supervisor Daly moved to amend on page 6, line 12, by deleting "so that the following number of units affordable to qualifying householders shall be required."
Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED. The motion carried by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisors Daly and Gonzalez requested to be added as co-sponsors.
PASSED ON FIRST READING AS AMENDED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

SPECIAL ORDER 3:00 P.M.

021763 **[City Message]**

Mayor's Annual State of the City Message. (Mayor)

The Honorable Willie L. Brown, Jr. gave the Annual State of the City Address. The Mayor introduced the following elected officials: Doris Ward, Assessor, Susan Leal, Treasurer, Terence Hallinan, District Attorney, and Michael Hennessey, Sheriff.

FILED.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Richard Robertson; support Democratic candidates
Steve Currier; distribution of voter pamphlets
Lewis Dillon; horse drawn carriages and horse related issues
Male Speaker; good wishes for the upcoming elections
John Kelly; personal property tax to fund alcohol and drug treatment programs
Dave Whitaker; KPOO radio regarding change of Board meeting date
Terry Collins, President of KPOO radio regarding change of Board meeting date
Garrett Jenkins; Bank of America check cash policy fee
Male Speaker; oppose amendment to the police code relating to after hours premises
Male Speaker; general issues
Male Speaker; homelessness issues

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

021743 **[Legislative Analyst Request]**

Supervisor Sandoval

Motion asking the Legislative Analyst to conduct a survey of all city departments to: (1) determine their use of Geographic Information Systems (GIS); (2) determine whether the Board of Supervisors, city departments, and the public has access to or could have access to such GIS systems; (3) research the possible linkage of all such systems.

Supervisor Sandoval, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021747 **[Anticipated Litigation - Construction-Related Disputes]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur regarding potential construction-related disputes.

This closed session would be permitted by Government Code Section 54956.9(b) (1)and 54956.9(c), and San Francisco Administrative Code Section 67.10(d) (2). (City Attorney)

Supervisor Peskin, seconded by Supervisor McGoldrick, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Recess

The Board recessed at the hour of 4:35 p.m. to convene in closed session pursuant to above motion.

Reconvening of the Board

The Board at the hour of 5:24 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee - 11

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Sections 54956.9 (a) and 54956.9 (b) and (c) for the purpose of conferring with, or receiving advice from the City Attorney regarding pending and existing litigation.

Persons in attendance:
Supervisors Ammiano, Daly, Hall, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Dennis Herrera, City Attorney
Ted Lakey, Deputy City Attorney
Jo Heper, Deputy City Attorney
Gayle Gribble, Deputy City Attorney
Therese Stewart, Deputy City Attorney
Craig Chandler, City Attorney Staff Member
Gloria L. Young, Clerk of the Board
Kay Gulbengay, Deputy Clerk

Hearing Held. Continued to October 28, 2002.
HEARD IN CLOSED SESSION by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisor Leno, seconded by Supervisor Sandoval, moved that this Litigation be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

[Elect To Disclose]
Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor Leno, seconded by Supervisor Sandoval, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021730 **[Nature by Design Environmental Trade Show]**
Supervisors Yee, Daly

Resolution inviting San Francisco and Bay Area residents to attend the Nature by Design Environmental Trade Show at City Hall from 10 AM to 3 PM on Sunday, October 27, 2002.

Resolution No. 732-02
ADOPTED.

021731 **[Prohibit City employees from using cell phone while driving city vehicles]**
Supervisors Sandoval, Daly

Resolution urging Mayor Brown to make the prohibition of cell phone use while driving city vehicles a top priority in the coming negotiations between the City and various organizations representing City employees.

Supervisor Daly requested to be added as a co-sponsor.
Resolution No. 739-02
ADOPTED

021732 **[Extend Potrero Power Plant Citizens Advisory Task Force]**
Supervisor Maxwell

Resolution extending the Potrero Power Plant Citizens Advisory Task Force timeline to November 1, 2003, and expanding its composition.

Resolution No. 733-02
ADOPTED

021733 **[Urge DPT Expand Page Street Mini-Circle from Scott to Fillmore]**
Supervisor Gonzalez

Resolution urging the Department of Parking and Traffic to pursue, wherever possible, funding for the purpose of expanding the Page Street Mini-Circle project from Scott Street to Fillmore Street.

Resolution No. 740-02
ADOPTED

021734 [Commend President Jimmy Carter]
Supervisors McGoldrick, Leno, Daly

Resolution commending former President Jimmy Carter for receiving the 2002 Nobel Peace Prize.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 734-02
ADOPTED

021736 [Commend organizers of San Francisco Tenant Leadership Summit]
Supervisor Daly

Resolution commending the organizers of the San Francisco Tenant Leadership Summit for bringing together community members and organizations to address the major issues affecting San Francisco's tenant community.

Resolution No. 736-02
ADOPTED

021746 [Ford Motor Company - Th!nk electric cars]
Supervisors Newsom, Daly, Gonzalez

Resolution urging the Ford Motor Company to fulfill its obligations to the letter of the law and the spirit of the California Air Resources Board Zero Emissions Vehicle Mandate and to explore every avenue available to ensure the continued production of Th!nk City electric vehicles so that they may continue to be offered for sale in San Francisco.

Resolution No. 737-02
ADOPTED

021719 [Final Map for a 5 Unit Residential Condominium Project]
Motion approving Final Map of 1191 - 1193 Noe Street and 4094 - 4096 - 4098 25th Street, A Residential Condominium Project, being a subdivision of Lot 26 in Assessor's Block No. 6537, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,759; District 8.)

Motion No. M02-179
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Severed From For Adoption Without Committee Reference Agenda

021739 **[Rescind M02-169 - Approving Mayor's Nomination, Michael Antonini to Planning Commission]**
Supervisors Gonzalez, McGoldrick, Peskin, Sandoval

Motion rescinding Motion No. M02-169 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Michael Antonini to Seat No. 4 of the Planning Commission, term to be determined by lot.

Supervisor Daly requested that this item be severed and considered separately.

Supervisor Gonzalez, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021740 **[Rescind M02-170 - Approving Mayor's Nomination, Shelley Bradford Bell to Planning Commission]**
Supervisors Gonzalez, McGoldrick, Peskin, Sandoval

Motion rescinding Motion No. M02-170 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Shelley Bradford Bell to Seat No. 5 of the Planning Commission, term to be determined by lot.

Supervisor Daly requested that this item be severed and considered separately.

Supervisor Gonzalez, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021741 **[Rescind M02-171 - Approving Mayor's Nomination, Edgar Boyd to Planning Commission]**
Supervisors Gonzalez, McGoldrick, Peskin, Sandoval

Motion rescinding Motion No. M02-171 of the Board of Supervisors (approved on October 7, 2002), which approved the Mayor's nomination of Edgar Boyd to Seat No. 6 of the Planning Commission, term to be determined by lot.

Supervisor Daly requested that this item be severed and considered separately.

Supervisor Gonzalez, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021735 **[Commend Family Violence Prevention Fund, La Casa de las Madres, and Asian Women's Shelter]**
Supervisors Sandoval, Daly

Resolution commending the Family Violence Prevention Fund, La Casa de las Madres, and Asian Women's Shelter for their efforts to end domestic violence in honor of National Domestic Violence Awareness Month.

Supervisor Sandoval requested this item to be severed and considered separately.
Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 735-02

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Leno, seconded by Supervisor Daly, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Leno, seconded by Supervisor Daly, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021770 [Commending Jerry Levine]
Supervisors Sandoval, Leno

Resolution commending Jerry Levine for his 34 years of dedicated service to improving the lives of senior citizens at the Jewish Home and in the Bay Area.

Resolution No. 738-02

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021771 [Permit Required for Concrete Paving in Front Yard]
Supervisor Sandoval

Ordinance amending the San Francisco Building Code by adding Section 106.1.14 to require that a permit be issued before commencing with construction of concrete paving, other than a driveway, in a front yard setback area and providing that violation of the permit requirement shall be an infraction subject to fines up to $500; amending Section 110, Table 1-F to establish the permit fee.
10/21/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 11/20/2002.

021772 [Conditional Use Revocation]
Supervisor Gonzalez

Ordinance amending the San Francisco Planning Code by amending Section 303 to provide for the revocation of a conditional use authorization upon a finding that the applicant provided false information in obtaining the conditional use; adopting findings under Planning Code Section 302.
10/21/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 11/20/2002.

021791 [Preservative-treated Wood Containing Arsenic]
Supervisors Peskin, Leno

Ordinance amending the San Francisco Administrative Code by adding Chapter 21G, requiring all City Departments and Contractors to purchase preservative-treated wood only from the list of environmentally preferable alternatives adopted by the Department of the Environment; requiring all City Departments that own or maintain play structures, park equipment or other facilities constructed with preservative-treated wood containing arsenic to undertake certain actions; requiring the Department of the Environment to report to the Commission on the Environment on the programs mandated by this Chapter; requiring disposal of preservative-treated wood containing arsenic at approved landfills; and directing the Department of Building Inspection and the Department of the Environment to report on a possible citywide ban on preservative-treated wood containing arsenic.
10/21/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 11/20/2002.

Resolutions

021770 [Commending Jerry Levine]
Supervisors Sandoval, Leno

Resolution commending Jerry Levine for his 34 years of dedicated service to improving the lives of senior citizens at the Jewish Home and in the Bay Area.
10/21/02, ADOPTED.

021773 [Accept-Expend State Grant - $1,000,000]
Supervisors Peskin, Daly

Resolution authorizing the San Francisco Port Commission to accept and expend grants in the total amount of One Million Dollars ($1,000,000) from the California Coastal Conservancy, the Association of Bay Area Governments San Francisco Bay Trail Project, the California Transportation Commission Environmental Enhancement and Mitigation Program and the State of California Wildlife Conservation Board for the Ferry Terminal Public Pier Project.

(No Public Benefit Recipient.)
10/21/02, RECEIVED AND ASSIGNED to Finance Committee.

021774 [Accept-Expend State Grant - $500,000.00]
Supervisor Peskin

Resolution authorizing the San Francisco Port Commission to accept and expend a federal grant in the amount of $500,000.00 from the Federal Transportation Security Administration to fund the Port's security assessment efforts.

(No Public Benefit Recipient.)
10/21/02, RECEIVED AND ASSIGNED to Finance Committee.

021775 [Accept San Francisco/San Mateo: Bi-County Transportation Study]
Supervisor Newsom

Resolution accepting the San Francisco/San Mateo: Bi-County Transportation Study, prepared for the Bi-County Steering Committee.
10/21/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021776 [Third Amendment to Moscone Project Lease]
Mayor

Resolution approving and authorizing the execution and delivery of a Third Amendment to the Project Lease; approving the issuance of the Redevelopment Agency of the City and County of San Francisco Lease Revenue Refunding Bonds, Series 2002 (George R. Moscone Convention Center); approving the form of an Official Statement with respect thereto; and authorizing and ratifying the execution and delivery documents necessary for the issuance, sale and delivery of the Bonds. (Mayor)

(No Public Benefit Recipient.)
10/21/02, RECEIVED AND ASSIGNED to Finance Committee.

021777 [Urge Disguise Inc. Responsibility for Removal of Kung Fool Costumes]
Supervisors Yee, Hall, McGoldrick

Resolution urging Disguise Inc. to take full responsibility for the removal of Kung Fool costumes in retail stores and to provide full refunds for costumes already purchased.
10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021778 [Authorize SF Recreation and Park to Accept and Expend $125,925 for 15 TH!NK Electric Vehicles]
Supervisors Peskin, Leno

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a gift valued at $125,925 from the National Park Foundation for 15 TH!NK neighbor zero emissions electric vehicles.
10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021779 [Dr. Ernie Bodai Day]
Supervisor Hall

Resolution proclaiming October 25, 2002 as "Dr. Ernie Bodai Day" in the City and County of San Francisco in honor of Dr. Bodai's achievements in the fight against breast cancer.
10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021780 [Commend Calvin Gipson]
Supervisors Leno, Daly

Resolution commending Calvin Gipson for his years of service at the San Francisco LGBT Pride Celebration Committee.
10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021781 [Commend Renel Brooks-Moon]
Supervisors Maxwell, Daly

Resolution commending Renel Brooks-Moon for her outstanding commitment as a role model for young women and her dedication to the community.
10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021782 [Commend SF Food Bank]
Supervisors Maxwell, Daly, Leno

Resolution acknowledging the San Francisco Food Bank and the network of neighborhood-based pantries for their exemplary public services and their commitment to ensuring that no child, adult or senior citizen experiences the unwanted and debilitating effects of hunger on the edge of the nation's agricultural heartland.
10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021783 [Commend University of California San Francisco]
Supervisors Sandoval, Daly

Resolution commending the University of California San Francisco (UCSF) for working with the American Federation of State, County, and Municipal Employees (AFSCME)to resolve labor issues surrounding the future Mission Bay Campus.
10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021784 **[Commend Excelsior Action Group]**
Supervisors Sandoval, Hall

Resolution commending the Excelsior Action Group for their work improving the Mission Street business corridor in the Excelsior district and for organizing the Excelsior District's First Annual Safe R' Treat Halloween event.

10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021454 **[UCSF Mission Bay Campus - Utility Crossings and an at grade pedestrian crossing]**
Supervisor Leno

Resolution granting revocable permission to Regents of the University of California to occupy a portion of the public right-of-ways to construct, install and maintain utility crossings and joint trenches on future 4th and Owens Streets, and on future South Common Street, for providing various services to the new UCSF Mission Bay Campus; and to construct and maintain an at grade pedestrian crossing at a future mid-block signalized intersection on future 4th Street at future private 14th Street and making findings of consistency with the City General Plan and eight priority policies of the City Planning Code Section 101.1. (Public Works Department)

8/21/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

9/23/02, CONTINUED. Supervisor Yee requested that this item be continued to September 30, 2002.

9/30/02, RE-REFERRED to Public Works and Public Protection Committee. Supervisor Leno requested to be added as sponsor.

10/21/02, CALLED FROM COMMITTEE. Supervisor Yee requested this matter be scheduled for the October 28, 2002 Board meeting.

Charter Amendment

020938 **[Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]**
Supervisors Ammiano, Gonzalez

Charter amendment (Third Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

(Fiscal impact.)

5/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/27/2002.

7/15/02, CONTINUED. Continued to July 22, 2002.

7/22/02, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/22/02, RE-REFERRED to Rules and Audits Committee.

10/21/02, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing same title.

10/21/02, ASSIGNED to Rules and Audits Committee.

Requests for Hearing

021785 **[Unreinforced Masonry Building (UMB)]**
Supervisor Newsom

Hearing to consider the effectiveness of the unreinforced masonry building (UMB) ordinance in improving the seismic and life safety of UMB buildings and whether the UMB program should be revisited to further incentivize life safety improvements in buildings.
10/21/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021786 **[Engineering Design Contract for the Central Subway]**
Supervisor Ammiano

Hearing to consider the procurement by the Municipal Transportation Agency of a contract for professional services for engineering design for the Central Subway.
10/21/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

Motions

021769 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021787 **[Legislative Analyst Request]**
Supervisor Sandoval

Motion asking the Legislative Analyst to survey other major cities to find out if they require flower-vending stands or other similar cash based businesses to keep track of all sales and what equipment or system is used.
10/21/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 28, 2002.

021788 **[Appointment, Planning Commission]**
Mayor

Motion approving the Mayor's nomination of William L. Lee to Seat No. 7 of the Planning Commission, term to be determined by lot. (Mayor)

Supervisor Gonzalez dissenting in committee.
10/21/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021789 **[Appointment, Planning Commission]**
Mayor

Motion rejecting the Mayor's nomination of William L. Lee to Seat No. 7 of the Planning Commission. (Mayor)
10/21/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021790 **[Urge Mayor to Administer Oath to Jon Ballesteros, Planning Commission]**
Supervisors Leno, Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval, Daly

Motion respectfully urging Mayor Willie L. Brown Jr. to administer the oath of office to his three Board-approved nominees to the Planning Commission and to resubmit for approval the nomination of Jon Ballesteros to serve on the Planning Commission.
10/21/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED RESOLUTIONS

021713 **[Preventive oral health care among various ethnic/racial caregivers of children in San Francisco between 1 and 5 years of age]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $129,938 with The Regents of the University of California (UCR), the primary contractor, to understand ethnic/racial cultural differences related to children's oral health, under the second year of an award from the National Institutes of Health (NIH); for the period of August 1, 2002, to July 31, 2003. (Public Health Department)

(Public Benefit Recipient.)
10/18/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021714 **[Settlement of Claim - Nancy Cowhig]**
Resolution approving the settlement of the unlitigated claim filed by Nancy Cowhig against San Francisco for $60,000; claim was filed on December 12, 2001. (City Attorney)

(Public Benefit Recipient.)
10/9/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021715 **[Lease of Real Property]**
Resolution authorizing a new lease of real property at 1305 and 1309 Evans Avenue on behalf of the Department of Public Health, Children's System of Care and Family Mosaic. (Real Estate Department)

(Public Benefit Recipient; District 10.)
10/9/02, RECEIVED AND ASSIGNED to Finance Committee.

021716 **[Airport $3.5 Million Federal Grant]**
Resolution authorizing the Airport Commission to accept and expend grant funds in the amount of $3,503,877.00 from the U. S. Department of Transportation's Federal Aviation Administration for the purpose of reimbursing airports for extraordinary operating costs incurred as a result of the events of September 11, 2001 as authorized by the Aviation and Transportation Security Act of 2001. (Airport Commission)

(Public Benefit Recipient.)
10/9/02, RECEIVED AND ASSIGNED to Finance Committee.

021717 [Parking Regulations, Various Locations]

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "J" (TWO-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Waller Street, both sides, between Belvedere and Cole Streets.

RESIDENTIAL PERMIT PARKING AREA "Z" (TWO-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
3301-3303 Mission Street, between Fair and Virginia Avenues (adds specified addresses only).

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - RESCIND
TOW-AWAY, NO STOPPING, 6 AM TO 10 AM AND 3 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Ulloa Street, north side, between Lenox Way and Wawona Street.

UNMETERED MOTORCYCLE PARKING, 10 AM to 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
Geary Street, north side, from 59.5 feet to 77 feet east of Larkin Street, in front of 886 Geary Street (17.5-foot zone, accommodating five motorcycle spaces).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
Natick Street, east side, from 126 feet to 135 feet south of Chenery Street (nine-foot portion of existing zone).

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
St. Charles Avenue, east side, between the County line and Niantic Avenue;
St. Charles Avenue, west side, between BART parking lot entrance (approximately 82 feet south of Niantic Avenue) and the County line;
Tennessee Street, east side, from 70 feet to 160 feet north of Cesar Chavez Street (90-foot zone); and
Ashbury Street, west side, from Downey Street to 15 feet northerly.

TOW-AWAY LANE MUST TURN RIGHT - RESCIND
6th Street, northbound at Bryant Street.

ONE HOUR PARKING, NOVEMBER TO MARCH, 9 AM - 6 PM, EXCEPT SUNDAY/APRIL TO OCTOBER, 9 AM - 10 PM, MONDAY THROUGH FRIDAY AND 9 AM - 6 PM, SATURDAY AND SUNDAY - RESCIND
PARKING METER AREA NO. 3 (ONE-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - EXTEND

2nd Street, east side, between King and Townsend Streets.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Wisconsin Street, west side, from 124 feet north of 23rd Street to Madera Street;
Minnesota Street, east side, from 18th Street to 200 feet southerly;
Minnesota Street, west side, from 19th to 20th Streets; and,
19th Street, north side, from Minnesota Street to 95 feet easterly.

ANGLED (60-DEGREE ANGLE) PARKING - ESTABLISH
Missouri Street, east side, from 23 feet to 134 feet north of Cesar Chavez Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
16th Street, south side, from 247 feet to 293 feet west of Potrero Avenue (46 foot zone).

Note: The Tow-Away restriction is being established to accommodate a DPW proposal to widen the sidewalk and install an automatic public toilet.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Taylor Street, west side, from 70 feet to 94 feet north of Clay Street (accommodating seven motorcycle spaces).

PARKING METER AREA NO. 3 (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Stillman Street, north side, between 3rd and 4th Streets.

Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street. (Parking and Traffic Department)

(DPT Order No. 2508.)
10/9/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021126 **[Third Amendment to Lease of SFPUC Property for Operation of a Gravel Quarry]**
Resolution authorizing a Third Amendment to Lease of Public Utilities Commission Land between the City and County of San Francisco and Santa Clara Sand and Gravel, in Alameda County. (Public Utilities Commission)

6/18/02, RECEIVED AND ASSIGNED to Finance Committee.

10/10/02, SUBSTITUTED. Public Utilities Commission submitted a substitute resolution bearing same title.

10/10/02, ASSIGNED to Finance Committee.

Requests Granted

From: Supervisor Daly
To: City Attorney
Requesting/Inquiring: To draft an Administrative Code amendment or Rule Change to require the Mayor to attend the Board of Supervisors meetings once a month to engage in Question Time.

From: Supervisor Hall
To: City Attorney
Requesting/Inquiring: To draft legislation mirroring legislation passed by the Santa Monica City Council that prohibits people from sitting or lying in business doorways from the hours of 11:00 p.m. to 7:00 a.m. within a certain area of the City and if the business posts a sign to that effect.

From: Supervisor Newsom
To: Controller
Requesting/Inquiring: Requesting the following information on the Unreinforced Masonry Building Fund, specifically:
1. What is the current status of the Unreinforced Masonry Building (UMB) Funds created by city ordinance?
2. What is the UMB fund currently being used for?
3. How many, if any, current projects are in the pipeline set to receive UMB funding for FY 2002-03?
4. Is it legally possible to redirect these funds to other capital improvement projects, or life safety improvements, namely for the installation of sprinklers in residential hotels and other buildings?

From: Supervisor Sandoval
To: General Manager, MUNI
Requesting/Inquiring: To report on the feasibility of extending the 52-bus line from its terminus at Geneva and Mission to Balboa Park BART station. Also, requesting the Clerk of the Board to send a carbon copy of this letter to Jose Luis Moscovich, Executive Director of the Transportation Authority.

From: Supervisor Sandoval
To: General Manager, MUNI
Requesting/Inquiring: Also, requesting the Clerk of the Board to send a Inquiring about the cleaning of the outside of the Green Division. carbon copy of this letter to Jose Luis Moscovich, Executive Director of the Transportation Authority.

From: Supervisor Sandoval
To: General Manager, MUNI
Requesting/Inquiring: To report on the feasibility of conducting a traffic calming study in District 11. Also, requesting the Clerk of the Board to send a carbon copy of this letter to Jose Luis Moscovich, Executive Director of the Transportation Authority, and Fred Hamdun, Director of Department of Parking and Traffic.

From: Supervisor Sandoval
To: General Manager, MUNI
Requesting/Inquiring: To report on the feasibility of extending the 14 Mission trolley line to the Daly City BART station. Also, requesting the Clerk of the Board to send a carbon copy of this letter to Jose Luis Moscovich, Executive Director of the Transportation Authority.

From: Supervisor Sandoval
To: City Attorney
Requesting/Inquiring: To address nuisance issues surrounding the property located at 4550-4564 Mission Street. It is our understanding that the property is leased to Rite Aid Corporation. Rite Aid Corporation has not opened in that location, nor has it put any effort into maintaining the property. The site is currently vacant and boarded up, and is an eyesore to the community. The site has also become a magnet for both illegal

dumping and graffiti. Requesting the City Attorney prepare a report outlining what recourse the City has to require both the owner and lessee to clean and rehabilitate the property at 4550-4564 Mission Street, including but not limited to, exploring the possibility of acquiring the property through eminent domain.

In Memoriams

John Thayer Raggio (Supervisor Hall)
Sister Ann McElhatton (Supervisor Hall)
Robert Lee Caldwell (Supervisor Hall)
Gwen Araujo (Supervisors Ammiano, Leno)
Jaime Gonzalez Valdez (Supervisor Sandoval)

ADJOURNMENT

There being no further business, the Board at the hour of 5:25 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 18, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

DOCUMENTS DEPT
DEC 27 2002
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Monday, October 28, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 41

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

The meeting was called to order at 2:01 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Hall, Maxwell, Newsom - 3.

Quorum present.

Supervisor Maxwell was noted present at 2:02 p.m.
Supervisors Newsom and Hall were noted present at 2:07 p.m.

Supervisor Peskin was excused. (see infra)

Supervisor Peskin Excused from Attendance

Supervisor Leno, seconded by Supervisor Daly, moved to excuse Supervisor Peskin from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

Privilege of the Floor

Supervisor Sandoval, seconded by Supervisor Leno, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Sandoval, Yee
Absent: 3 - Hall, Newsom, Peskin

Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Elizabeth Sanchez.

Supervisor Yee introduced, welcomed and presented a Certificate of Honor to Jessie Lorentz, Starting Center, of the US Women's Gold Medal Goalball Team.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Rules and Audits Committee

021679 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Robin Dubner against the City and County of San Francisco for $205,000; the lawsuit was filed on 12/31/97 in the U.S. District Court, Case No. 98-1075; entitled Robin Dubner v. City and County of San Francisco, et al. (City Attorney)

(No Public Benefit Recipient.)

PASSED, ON FIRST READING

020629 **[Appointment]**

Resolution appointing Kevin Sharps and Paul Kangas, terms ending October 1, 2005, to the Drug Abuse Advisory Board.

Kevin Sharps, succeeding himself, seat 6, term expired, must represent the public at large or a service provider, for a new three year term ending October 1, 2005;
Paul Kangas, succeeding Victoria Hunt, term expired, seat 7, must represent the public at large or a service provider, for a new three year term ending October 1, 2005.

Resolution No. 741-02
ADOPTED

021398 **[Appointment]**

Resolution appointing Saif Ataya and Larisa Casillas, terms ending June 6, 2004, to the Immigrant Rights Commission.

Saif Ataya, succeeding Neyde Azevedo, term expired, seat 2, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2004;
Larisa Casillas, succeeding Marcos Eusebio Gutierrez, term expired, seat 5, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2004.

Resolution No. 742-02
ADOPTED

021629 **[Appointment]**

Resolution appointing Susan Stryker and Melissa Szeto, terms to be determined, to the San Francisco Museum and Historical Society Advisory Committee.

Susan Stryker, new position, seat 1, must be a member of the public from historical organizations including, but not limited to, organizations focused on the history of ethnic or racial minorities, sexual orientations, gender or any of the various other cultural communities within San Francisco, for a one-year term ending date to be determined pursuant to Ordinance No. 92-02;
Melissa Szeto, new position, seat 2, must be a member of the public from historical organizations including, but not limited to, organizations focused on the history of ethnic or racial minorities, sexual orientations, gender or any of the various other cultural communities within San Francisco, for a one-year term ending date to be determined pursuant to Ordinance No. 92-02.

Resolution No. 744-02
ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

REGULAR AGENDA

UNFINISHED BUSINESS

From Department of Public Works

021636 **[Appeal, Minor Sidewalk Encroachment-1901 Hyde Street]**

Motion disapproving the decision of the Department of Public Works' denial of an Encroachment Permit for 1901 Hyde Street and granting an Encroachment Permit. (Clerk of the Board)

Amended on page 1, line 5 by inserting "subject to certain conditions" (New Title) and further amended on page 1, line 13 after "granted" by adding ", subject to the following conditions:
1. The encroachment permit is granted only for the proposed trash can enclosure on Green Street, and not for the proposed menu board for the restaurant.
2. The encroachment permit is non-transferable, and is for the benefit of the applicant only. Upon transfer of the space to any other business operator, this permit automatically terminates.
3. The construction of the trash can storage enclosure on Green Street shall be built and maintained consistent with the proposed design submitted by the applicant to the Board of Supervisors on October 28, 2002, a copy of which is included in the Board's File No. 021636, and a copy of which shall be delivered to the Department of Public Works."

Supervisor Sandoval, seconded by Supervisor Newsom, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Noes: 1 - Daly
Absent: 1 - Peskin

Motion disapproving the decision of the Department of Public Works' denial of an Encroachment Permit for 1901 Hyde Street and granting an Encroachment Permit, subject to certain conditions. (Clerk of the Board)

Motion No. M02-180

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

021637 **[Appeal, Minor Sidewalk Encroachment-1901 Hyde Street]**

Motion affirming the Department of Public Works' denial of an Encroachment Permit for 1901 Hyde Street and denying an Encroachment Permit. (Clerk of the Board)

Supervisor Leno, seconded by Supervisor Newsom, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

Recommendations of the Finance Committee

021458 **[Amend Police Code Section 1070.16]**

Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Section 1070.16 to allow adults over the age of 18 into after hours premises.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Leno, McGoldrick, Newsom, Sandoval
Noes: 3 - Hall, Maxwell, Yee
Absent: 1 - Peskin

021236 **[Amending Section 110 of the San Francisco Building Code To Increase Fees For Services]**

Ordinance amending Section 110 of the San Francisco Building Code to increase fees for Department of Building Inspection services. (Building Inspection Department)

Ordinance No. 221-02

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

Recommendation of the Public Works and Public Protection Committee

020493 [Front Yard Paving]
Supervisors Sandoval, Daly, Gonzalez

Ordinance amending Sections 132 and 136 of the Planning Code to require that twenty percent of required setback areas remain unpaved and devoted to plant material, and to prohibit parking from obstructing required setbacks, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and the General Plan.

(Planning Commission Resolution #16450 adopted 6/27/02 recommending approval; Certificate of Exemption/Exclusion from Environmental Review dated 6/19/02)

Ordinance No. 219-02
FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

Recommendation of the Transportation and Commerce Committee

021098 [Requiring Minimum Square Footage for Off-site Units and Clarifying Unit Requirements in Inclusionary Affordable Housing Program]
Supervisors McGoldrick, Leno, Gonzalez, Daly

Ordinance amending Planning Code Section 315.5 to provide that off-site units produced to meet the City's Inclusionary Affordable Housing Program shall be of a similar square footage to the units produced in the principle project; amending Sections 315.4 and 315.5 to change the method of calculating the requirement for number of units produced under the Inclusionary Affordable Housing Program to more closely reflect the percentages stated in the text of the Ordinance.

Ordinance No. 220-02
FINALLY PASSED by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

NEW BUSINESS

Recommendations of the Health and Human Services Committee

011498 [Identification and Use of Surplus City Property for Housing]
Supervisors Daly, Gonzalez

Ordinance adding San Francisco Administrative Code Chapter 23A to identify and establish Board policy regarding surplus, unutilized and underutilized City real property for housing for the homeless.

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, Sandoval
Noes: 2 - Hall, Yee
Absent: 2 - McGoldrick, Peskin

021462 [Prohibiting employment discrimination and business-to-business discrimination and making miscellaneous amendments to clarify existing discrimination provisions]
Supervisors Leno, Daly, Maxwell, Gonzalez

Ordinance amending Articles 33, 33B and 38 of the Police Code by amending Sections 3303, 3803, and 3852 to prohibit employment discrimination against independent contractors; amending Sections 3305, 3310, and 3805 to prohibit business-to-business discrimination; amending Section 3301, 3302, 3303, 3304 and 3305 to add creed and national origin to the protected categories; amending Sections 3301, 3302 and 3305.1 to add weight and height to the protected categories; amending Sections 3303, 3305 and 3307 and adding Section 3305.2 to clarify provisions relating to discrimination for association and retaliation with persons in protected categories; amending Sections 3300B.1, 3300B.3 and 3300B.4 to add age, gender identity, place of birth, weight and height to the protected categories; and amending Sections 3302, 3304, 3305, 3305.1, 3306, 3307, 3811 and 3856 for technical changes.

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick
Absent: 4 - Newsom, Peskin, Sandoval, Yee

Recommendations of the Rules and Audits Committee

021720 **[Appointment]**

Resolution appointing Supervisors Chris Daly, Jake McGoldrick, and Gerardo Sandoval, terms ending June 30, 2004, to the Association of Bay Area Governments Executive Board.

Supervisor Chris Daly, succeeding himself, term expired, Seat No. 1, must be a member of the Board of Supervisors, for a new two-year term ending June 30, 2004;
Supervisor Jake McGoldrick, succeeding himself, term expired, Seat No. 2, must be a member of the Board of Supervisors, for a new two-year term ending June 30, 2004;
Supervisor Gerardo Sandoval, vacant seat, term expired, Seat No. 5, must be a member of the Board of Supervisors (Position alternates between the Board of Supervisors and the Mayor), for a new two-year term ending June 30, 2004.

Appointments of Supervisors Daly and McGoldrick divided from File No. 021720.
See File Nos. 021848 and 021847.

DIVIDED by the following vote:
Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick
Absent: 4 - Newsom, Peskin, Sandoval, Yee

Resolution appointing Supervisor Gerardo Sandoval, term ending June 30, 2004, to the Association of Bay Area Governments Executive Board.

Supervisor Gerardo Sandoval, vacant seat, term expired, Seat No. 5, must be a member of the Board of Supervisors (Position alternates between the Board of Supervisors and the Mayor), for a new two-year term ending June 30, 2004.

Resolution No. 745-02

ADOPTED by the following vote:
Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick
Absent: 4 - Newsom, Peskin, Sandoval, Yee

Supervisor Daly Excused From Voting

Supervisor Leno, seconded by Supervisor McGoldrick, moved to excuse Supervisor Daly from voting on File No. 021847. The motion carried by the following vote:
Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick
Absent: 4 - Newsom, Peskin, Sandoval, Yee

021847 **[Appointment]**

Resolution appointing Supervisor Chris Daly, term ending June 30, 2004, to the Association of Bay Area Governments Executive Board.

Supervisor Chris Daly, succeeding himself, term expired, Seat No. 1, must be a member of the Board of Supervisors, for a new two-year term ending June 30, 2004.

Divided from File No. 021720.

Resolution No. 756-02

ADOPTED by the following vote:
Ayes: 6 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick
Absent: 4 - Newsom, Peskin, Sandoval, Yee
Excused: 1 - Daly

Supervisor McGoldrick Excused From Voting

Supervisor Leno, seconded by Supervisor Maxwell, moved to excuse Supervisor McGoldrick from voting on File Nos. 021848 and 021721. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick
Absent: 4 - Newsom, Peskin, Sandoval, Yee

021848 **[Appointment]**

Resolution appointing Supervisor Jake McGoldrick, term ending June 30, 2004, to the Association of Bay Area Governments Executive Board.

Supervisor Jake McGoldrick, succeeding himself, term expired, Seat No. 2, must be a member of the Board of Supervisors, for a new two-year term ending June 30, 2004.

Divided from File No. 021720.

Resolution No. 757-02

ADOPTED by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell
Absent: 4 - Newsom, Peskin, Sandoval, Yee
Excused: 1 - McGoldrick

021721 **[Appointment]**

Resolution appointing Supervisor Jake McGoldrick, term ending November 28, 2003, to the California State Association of Counties Board of Directors.

Supervisor Jake McGoldrick, succeeding Supervisor Leland Yee, term expired, Seat No. 1, must be a member of the Board of Supervisors, for a new one-year term ending November 28, 2003.

Resolution No. 746-02

ADOPTED by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell
Absent: 4 - Newsom, Peskin, Sandoval, Yee
Excused: 1 - McGoldrick

021722 **[Appointment]**

Resolution appointing Supervisor Gerardo Sandoval, term ending November 28, 2003, as an alternate member to the California State Association of Counties Board of Directors.

Supervisor Gerardo Sandoval, succeeding Supervisor Jake McGoldrick, term expired, Seat No. 2, must be a member of the Board of Supervisors (alternate position), for a new one-year term ending November 28, 2003.

Resolution No. 747-02

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick
Absent: 4 - Newsom, Peskin, Sandoval, Yee

CALLED FROM COMMITTEE

021454 **[UCSF Mission Bay Campus - Utility Crossings and an at grade pedestrian crossing]**
Supervisor Leno

Resolution granting revocable permission to Regents of the University of California to occupy a portion of the public right-of-ways to construct, install and maintain utility crossings and joint trenches on future 4th and Owens Streets, and on future South Common Street, for providing various services to the new UCSF Mission Bay Campus; and to construct and maintain an at grade pedestrian crossing at a future mid-block signalized intersection on future 4th Street at future private 14th Street and making findings of consistency with the City General Plan and eight priority policies of the City Planning Code Section 101.1. (Public Works Department)

Resolution No. 743-02

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick
Absent: 4 - Newsom, Peskin, Sandoval, Yee

SPECIAL ORDER 3:00 P.M.

021582 **[Public Hearing - Appeal, Discretionary Review - 950 Corbett Avenue]**

Hearing of persons interested in or objecting to the Planning Director's Discretionary Review recommendation dated September 18, 2002, Case No. 2002.0706DD, approving Demolition Permit Application No. 2002.0110.6628 to demolish the existing two story one family dwelling and request for Discretionary Review of Building Permit Application No. 2002. 0110.6632, to construct a new 5 story structure containing 3 dwelling units and 4 parking spaces, in an RM-1 (Residential Mixed, Low Density) District, and a 40-X Height and Bulk district, on property located at 950 Corbett Avenue, west side between Hopkins Avenue and Market Street; Lot 013, in Assessor's Block 2799.

(Appeal filed September 25, 2002; Board final action date: November 4, 2002; companion measure to Files 021583, 021584; District 8.)

Appellants: Jeffery and Mary Beth Murray, owners of 956 Corbett Avenue

Gerald G. Green, Director of Planning, reviewed the Discretionary Review Recommendation.

Project Sponsor Representative: Warner Schmalz, Architect
Dick Poley; support the project sponsor
Wayne Barry; support the project sponsor

A rebuttal period was allowed.

President then declared the public hearing closed.

(Only one of the following two motions should be adopted.)

021583 **[Appeal, Discretionary Review - 950 Corbett Avenue]**

Motion approving decision of the Planning Director approving Discretionary Review Case No. 2002.0706DD, on property located at 950 Corbett Street, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Supervisor Newsom noted absent at 3:13 p.m.

Motion No. M02-184

Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Sandoval, Yee
Absent: 2 - Newsom, Peskin

021584 **[Appeal, Discretionary Review - 950 Corbett Avenue]**

Motion disapproving decision of the Planning Director approving Discretionary Review Case No. 2002.0706DD, on property located at 950 Corbett Street, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Sandoval, Yee
Absent: 2 - Newsom, Peskin

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

SPECIAL ORDER 3:00 P.M.

021676 **[Public Hearing - Appeal, Discretionary Review - 2750 Lake Street]**

Hearing of persons interested in or objecting to the Planning Director's Discretionary Review recommendation dated September 27, 2002, Case No. 2002.0674D, approving Building Permit Application No. 2002.02.27.0160 proposing to construct habitable rooms over an existing one-story garage of a single-family residence in an RH-1(D) (Residential, House, One-Family Detached) District, and a 40-X Height and Bulk district, on property located at 2750 Lake Street, north side between 28th and 29th Avenues; Lot 007, in Assessor's Block 1330.

(Appeal filed October 1, 2002; Board final action date: November 12, 2002; companion measure to Files 021677, 021678; District 2.)

Appellant: Michael Ma

Gerald G. Green, Director Planning, reviewed the Discretionary Review Recommendation.

Project Sponsor: Robert Reynolds, owner of 2750 Lake Street

A rebuttal period was allowed.

President then declared the public hearing closed.

(Only one of the following two motions should be adopted.)

021677 **[Appeal, Discretionary Review - 2750 Lake Street]**

Motion approving decision of the Planning Director approving Discretionary Review Case No. 2002.0674D, on property located at 2750 Lake Street, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Supervisor Newsom noted present at 4:13 p.m.

Motion No. M02-181

Supervisor Maxwell, seconded by Supervisor Leno, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Yee
Noes: 2 - Gonzalez, Sandoval
Absent: 1 - Peskin

021678 **[Appeal, Discretionary Review - 2750 Lake Street]**

Motion disapproving decision of the Planning Director approving Discretionary Review Case No. 2002.0674D, on property located at 2750 Lake Street, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Leno, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

SPECIAL ORDER 3:00 P.M.

021680 **[Public Hearing - Appeal, Discretionary Review - 1168 Folsom Street]**

Hearing of persons interested in or objecting to the Planning Director's Discretionary Review recommendation dated September 17, 2002, Case No. 2001.0661D, disapproving Building Permit Application No. 2002.02.2.9626S, proposing to construct a new building that would contain 20 dwelling units, two commercial units, and 20 parking spaces, where a warehouse structure currently stands; the site is within an SLR (Service/Light Industrial/Residential) District, and a 50-X Height and Bulk District; and an Industrial Protection Zone, on property located at 1168 Folsom Street, north side between 8th and Rausch Street; Lot 123, in Assessor's Block 3730.

(Appeal filed October 2, 2002; Board final action date: November 12, 2002; companion measure to Files 021681, 021682; District 6.)

Gerald G. Green, Director of Planning, reviewed the Discretionary Review Recommendation.

Project Sponsor: Steven L. Vettel, Attorney for the project sponsor

Ron Miguel, Action Housing Coalition; support project sponsor
Andrew Bozeman, support Planning Director's recommendation
Mrs. Fung, owner of the property
Andrew Kaliharo, support project sponsor
George Hauser, support project sponsor
Francisco DeCosta

A rebuttal period was allowed.

President then declared the public hearing closed.

(Only one of the following two motions should be adopted.)

021681 **[Appeal, Discretionary Review - 1168 Folsom Street]**

Motion approving decision of the Planning Director disapproving Discretionary Review Case No. 2001.0661D, on property located at 1168 Folsom Street, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Supervisor Sandoval noted absent at 4:41 p.m.
Supervisor Newsom noted absent at 5:20 p.m.

Supervisor Maxwell, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Yee
Absent: 3 - Newsom, Peskin, Sandoval

021682 [Appeal, Discretionary Review - 1168 Folsom Street]

Motion disapproving decision of the Planning Director disapproving Discretionary Review Case No. 2001.0661D, on property located at 1168 Folsom Street, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Amend by adding a second affordable housing unit.

Supervisor Daly, seconded by Supervisor Leno, moved that this Motion be AMENDED. The motion FAILED by the following vote:

Ayes: 2 - Daly, Leno
Noes: 6 - Ammiano, Gonzalez, Hall, Maxwell, McGoldrick, Yee
Absent: 3 - Newsom, Peskin, Sandoval

NOT APPROVED by the following vote:

Ayes: 2 - Daly, Leno
Noes: 6 - Ammiano, Gonzalez, Hall, Maxwell, McGoldrick, Yee
Absent: 3 - Newsom, Peskin, Sandoval

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdalla Megahed; homelessness and war issues
Vernon Jenkins; encourage people to vote
Kathleen Courtney; discretionary review appeal process
Male speaker; bicycle thefts and homelessness
Andrew Bozeman; Bayview Hunters Point issues
Male Speaker; general issues
Henry Kim; Executive Director, Taxi Association
Jackie Sax; taxi cab issues and paramedic and ambulance issues
James Chaffee; issues relating to members of the public commenting at Board meetings
Francisco DeCosta; planning issues and cross-town tunnel
Female Speaker; Cliff House Museum

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

021787 **[Legislative Analyst Request]**
Supervisor Sandoval

Motion asking the Legislative Analyst to survey other major cities to find out if they require flower-vending stands or other similar cash based businesses to keep track of all sales and what equipment or system is used.

APPROVED by the following vote:
Ayes: 6 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell
Absent: 5 - McGoldrick, Newsom, Peskin, Sandoval, Yee

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021747 [Anticipated Litigation - Construction-Related Disputes]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur regarding potential construction-related disputes.

This closed session would be permitted by Government Code Section 54956.9(b) (1)and 54956.9(c), and San Francisco Administrative Code Section 67.10(d) (2). (City Attorney)

Continued to November 4, 2002.

Supervisor Daly, seconded by Supervisor Gonzalez, moved that this Litigation be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell
Absent: 5 - McGoldrick, Newsom, Peskin, Sandoval, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021777 **[Urge Disguise Inc. Responsibility for Removal of Kung Fool Costumes]**
Supervisors Yee, Hall, McGoldrick

Resolution urging Disguise Inc. to take full responsibility for the removal of Kung Fool costumes in retail stores and to provide full refunds for costumes already purchased.

Supervisors Hall and McGoldrick requested to be added as co-sponsors.

Resolution No. 748-02
ADOPTED

021778 **[Authorize SF Recreation and Park to Accept and Expend $125,925 for 15 TH!NK Electric Vehicles]**
Supervisors Peskin, Leno

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a gift valued at $125,925 from the National Park Foundation for 15 TH!NK neighbor zero emissions electric vehicles.

Supervisor Leno requested to be added as a co-sponsor.

Resolution No. 749-02
ADOPTED

021779 **[Dr. Ernie Bodai Day]**
Supervisor Hall

Resolution proclaiming October 25, 2002 as "Dr. Ernie Bodai Day" in the City and County of San Francisco in honor of Dr. Bodai's achievements in the fight against breast cancer.

Resolution No. 750-02
ADOPTED

021780 **[Commend Calvin Gipson]**
Supervisors Leno, Daly

Resolution commending Calvin Gipson for his years of service at the San Francisco LGBT Pride Celebration Committee.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 751-02
ADOPTED

021781 [Commend Renel Brooks-Moon]
Supervisors Maxwell, Daly

Resolution commending Renel Brooks-Moon for her outstanding commitment as a role model for young women and her dedication to the community.

Supervisor Daly requested to be added as a co-sponsor.
Resolution No. 752-02
ADOPTED

021782 [Commend SF Food Bank]
Supervisors Maxwell, Daly, Leno

Resolution acknowledging the San Francisco Food Bank and the network of neighborhood-based pantries for their exemplary public services and their commitment to ensuring that no child, adult or senior citizen experiences the unwanted and debilitating effects of hunger on the edge of the nation's agricultural heartland.

Supervisors Daly and Leno requested to be added as co-sponsors.
Resolution No. 753-02
ADOPTED

021783 [Commend University of California San Francisco]
Supervisors Sandoval, Daly

Resolution commending the University of California San Francisco (UCSF) for working with the American Federation of State, County, and Municipal Employees (AFSCME)to resolve labor issues surrounding the future Mission Bay Campus.

Supervisor Daly requested to be added as a co-sponsor.
Resolution No. 754-02
ADOPTED

021784 [Commend Excelsior Action Group]
Supervisors Sandoval, Hall

Resolution commending the Excelsior Action Group for their work improving the Mission Street business corridor in the Excelsior district and for organizing the Excelsior District's First Annual Safe R' Treat Halloween event.

Resolution No. 755-02
ADOPTED

021758 [Final Map for a 212 Unit Residential Condominium Project]
Motion approving Final Map of 140 South Van Ness Avenue, A Residential Condominium Project, being a subdivision of Lot 47 in Assessor's Block No. 3514, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,730; District 6.)

Motion No. M02-182
APPROVED

021769 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M02-183
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 6 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell
Absent: 5 - McGoldrick, Newsom, Peskin, Sandoval, Yee

Severed From Adoption Without Reference to Committee

021790 **[Urge Mayor to Administer Oath to Jon Ballesteros, Planning Commission]**
Supervisors Leno, Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval, Daly

Motion respectfully urging Mayor Willie L. Brown Jr. to administer the oath of office to his three Board-approved nominees to the Planning Commission and to resubmit for approval the nomination of Jon Ballesteros to serve on the Planning Commission.

Supervisor Leno requested this item be severed and considered separately.

Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 6 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell
Absent: 5 - McGoldrick, Newsom, Peskin, Sandoval, Yee

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021808 **[Compensation for Employees Called to Active Military Duty in Response to International Terrorism]**
Mayor

Ordinance amending the 2002-2003 Annual Salary Ordinance to entitle City officers or employees called to active duty with a military reserve organization to receive from the City the difference between the amount of the individual's military pay and the amount the individual would have received as a City officer or employee had the individual worked his or her normal work schedule. (Mayor)

10/28/02, RECEIVED AND ASSIGNED to Finance Committee.

021810 **[Recycled Paper]**
Supervisors Leno, Maxwell, Ammiano

Ordinance amending Section 21A.7 of the Administrative Code to require the City to purchase paper with 100% post-consumer content for specified uses.

10/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 11/27/2002.

021811 **[Planning Code -- Dwelling Units]**
Supervisors Leno, Daly

Ordinance amending the San Francisco Planning Code by amending Section 123 to exempt floor area devoted to residential use in calculating floor area ratio limits for TDR transfer in certain C-3-O and C-3-O(SD) districts; amending Section 124 to eliminate floor area ratio limits for residential construction in certain C-2 and C-3 zoning districts, except on Preservation lots; amending Section 128 to eliminate certain restrictions on the transfer of development rights in C-3 districts, to require the Zoning Administrator to keep an inventory of TDR, and authorizing the Planning Department to study how this legislation affects housing in C-3 zoning areas and the market for TDRs; amending Sections 215 and 216 to increase the maximum density ratio for dwelling units and group housing allowed in certain C and M districts; amending Section 309 to allow modification of the project in the permit review process for an effect on the integrity of Significant or Contributory buildings; amending Section 1112.2 to provide that an application for a demolition permit on a lot including a Contributory building will be treated as a Significant building if the gross floor area will exceed the base floor area ratio limit of the site without the transfer of TDR; and making findings including a determination of consistency with the General Plan and the priority policies of Planning Code Section 101.1(b).

(Companion measure to File 021812.)

10/28/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 11/27/2002.

021812 [Appropriate funding for an environmental review]
Supervisors Leno, Daly, Ammiano

Ordinance appropriating $305,000 from the General Fund Reserve to the Planning Department for an environmental review of Board of Supervisors legislation, File No. 021811, ordinance amending Part II of the San Francisco Municipal Code (Planning Code) by amending Section 124 to eliminate floor area ratio limits for residential construction in certain C-3 Zoning Districts, amending Sections 215 and 216 to increase the maximum density ratio for dwelling units and group housing allowed in certain C and M Districts, and making a determination of consistency with the priority policies of Planning Code Section 101.1(B) for fiscal year 2002-03.

(No Public Benefit Recipient.)
10/28/02, RECEIVED AND ASSIGNED to Finance Committee.

021813 [General Advertising Signs - Annual Fee and Registration]
Supervisors Leno, Peskin

Ordinance amending the San Francisco Planning Code by adding Sections 604.2 and 358 to require that, except for general advertising signs exempt from the requirements of Article 6 under Section 603, the owner of a general advertising sign located within the City must register the sign and pay an annual fee to fund monitoring of compliance with and enforcement of sign regulations, to direct deposit of the fees into the Planning Code Enforcement Fund, to require the owner of the sign to submit a current sign inventory and other information and to file an affidavit under penalty of perjury stating that they do not knowingly have any illegal general advertising signs in San Francisco, to authorize reduction of the fee for owners in compliance or who initially register before the deadline, and to impose an increased fee and substantial penalties for failure to comply; amending the San Francisco Administrative Code by amending Section 10.100-166 to authorize deposit of the fees into the Planning Code Enforcement Fund; adopting findings.
10/28/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 11/27/2002.

021814 [Repealing local assault weapons prohibition]
Supervisors Gonzalez, Peskin

Ordinance repealing Article 35A of the City and County of San Francisco Police Code, relating to the possession, sale, or transfer of assault weapons, in light of subsequent legislation by the State of California to regulate the possession, sale, transfer, manufacture, importation, distribution, and transportation of assault weapons.
10/28/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 11/27/2002.

021815 [Publication of Annual Reports - Amend Administrative Code Sections 1.56 and 8.16]
Supervisor Daly

Ordinance amending Administrative Code Sections 1.56 and 8.16 to require that department heads, boards and commissions post annual reports on the City's website, and prohibiting departments, boards and commissions from publishing hard copies of such reports without approval of the Board of Supervisors.
10/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021504 **[Prevailing rate of wage and displaced worker protection for workers employed in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the CCSF]**
Supervisors Leno, Ammiano, Daly

Ordinance adding Section 21.25-2 to the Administrative Code to require that workers employed in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City and County of San Francisco be paid the prevailing rate of wage and that such workers will have job protection with the successor contractor for a transition period after a lease, management agreement or other contractual arrangement is terminated.

8/26/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 9/25/2002.

9/13/02, REFERRED TO DEPARTMENT. Referred to Small Business Commission for comment and recommendation.

10/28/02, SUBSTITUTED. Supervisor Leno submitted a substitute ordinance bearing same title.

10/28/02, ASSIGNED to Finance Committee.

020913 **[Amending the Appointment Process for the Child Care Planning and Advisory Council and Establishing Child Care Planning Advisory Council Account]**
Supervisor Maxwell

Ordinance amending Article XX of Chapter 5 of Part One of the San Francisco Municipal Code (Administrative Code) to (1) amend Section 5.200 to provide that half the membership is appointed by the Board of Supervisors and half the membership is appointed by the Board of Education, or County Superintendent of Schools, if the Board of Education delegates the appointment power to her or him; (2) amend compensation provisions for Council members to provide for compensation if a member is not otherwise compensated for attending committee meetings; and (3) add Section 10.100-367 to Article XII of Chapter 10 of Part One of the San Francisco Municipal Code (Administrative Code) establishing the Child Care Planning and Advisory Council Account.

5/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/27/2002.

10/28/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

10/28/02, ASSIGNED to Rules and Audits Committee.

Resolutions

021816 **[Enhance the safety of firefighters as required by the State Fire Marshal's Office]**
Supervisor Sandoval

Resolution authorizing the San Francisco Fire Department (SFFD) to accept and expend a new grant in the amount of $409,633 from the Federal Emergency Management Agency (FEMA) to acquire 800 MHz portable radios for all firefighters working in suppression and to transfer from the California Fire Incident Reporting System (CFIRS) to the National Fire Incident Reporting System (NFIRS), and to enter into an agreement for the use of these funds; for the period of September 15, 2002 through September 14, 2003.

(No Public Benefit Recipient.)

10/28/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021817 [Honor 2002 National League San Francisco Giants]
Supervisors Ammiano, Hall, Peskin

Resolution honoring the 2002 National League San Francisco Giants for a season filled with memories.
10/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021818 [Urge U.S. Immigration and Naturalization Service to reopen Israeli Yoav Shaul Case]
Supervisors Leno, Ammiano, Peskin

Resolution urging the U.S. Immigration and Naturalization Service (INS) to reopen the case of Israeli immigrant Yoav Shaul and grant him a second interview, and urging the INS to reform procedures for interviewing applicants for permanent residency.
10/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021819 [Urge SFO to retain Experienced Airport Screeners]
Supervisors Sandoval, Daly, Gonzalez

Resolution urging the San Francisco Transportation Security Administration and Covenant Aviation Security to retain experienced airport screeners at San Francisco International Airport by considering experience and giving priority to the incumbent screeners in the hiring of new Pre-Board Screeners.
10/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021820 [Commend Dave Snyder]
Supervisors Gonzalez, Leno, Maxwell, McGoldrick, Sandoval, Ammiano, Daly, Peskin, Yee, Newsom, Hall

Resolution commending Dave Snyder on eleven years of service as the Executive Director of the San Francisco Bicycle Coalition and his efforts to improve conditions for bicycling in San Francisco.
10/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

021824 [Use of Recreation and Park Facilities by Youth/Adult Teams and/or Leagues]
Supervisor Hall

Presentation by the Department of Recreation and Park on current demand for use of recreation and park facilities by youth and or adult teams and leagues.
10/28/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

021612 **[Transgender Civil Rights Implementation Task Force]**
Supervisor Leno

Hearing to consider the final report and recommendations of the Transgender Civil Rights Implementation Task Force that just completed two years of groundbreaking work.
9/23/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.
10/28/02, CALLED FROM COMMITTEE. Supervisor Leno requested this matter be scheduled for November 4, 2002 Board meeting.

Motion

021823 **[Committee of the Whole 11/4/02 - 3:00 PM]**
Supervisors Leno, Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin

Motion scheduling a Committee of the Whole on November 4th, 2002, at 3:00 PM to hold a hearing on the final report of the Transgender Civil Rights Implementation Task Force.
10/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

021792 **[Street Artist Certificate Fee Increase]**
Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2401.1 to increase the fee for a Street Artist Certificate. (Arts Commission)

(No Public Benefit Recipient.)
10/22/02, RECEIVED AND ASSIGNED to Finance Committee.

021754 **[Re-appropriating funding for three positions to operate and maintain audio, video and security systems]**
Ordinance re-appropriating $127,577 of existing funding for three positions to operate and maintain audio, video, and security systems by the Administrative Services - Convention Facilities Management for Fiscal Year 2002-2003, and Amending Annual Salary Ordinance for Fiscal Year 2002-03. (Controller)

(No Public Benefit Recipient; companion measure to File 021793.)
10/22/02, RECEIVED AND ASSIGNED to Finance Committee.

021793 **[Public Employment]**
Ordinance amending Ordinance No. 175-02 (Annual Salary Ordinance 2002/03) setting rates in the 2002-2003 Compensation Plan for two new classifications, establishing a budget for three positions, and deleting three positions in Convention Facilities for fiscal year 2002-03. (Human Resources Department)

(No Public Benefit Recipient.)
10/22/02, RECEIVED AND ASSIGNED to Finance Committee.

021804 **[Garbage Collection Truck Licensing Fee]**

Ordinance increasing the licensing fee for garbage trucks and the amount deposited into the Mandatory Refuse Collection Service Fund by amending Section 249.6 of the San Francisco Business and Tax Regulations Code and Section 10.100-7 of the San Francisco Administrative Code and ratifying past actions taken in connection with such licensing fee. (Public Health Department)

(No Public Benefit Recipient.)
10/21/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 11/20/2002.

PROPOSED RESOLUTIONS

021805 **[Accept-Expend DOC Beverage Container Recycling Grant]**

Resolution authorizing the Department of Environment to accept and expend a grant in the amount of $450,330 from the Department of Conservation (DOC) for Fiscal Years 2001/2002 and 2002/2003 and continue to accept similar annually recurring payments. (Environment)

(No Public Benefit Recipient.)
10/17/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Requests Granted

From: Supervisor Newsom
To: City Librarian, Public Library
Requesting/Inquiring: Inquiring if there are any ongoing or future plans for capital improvements of the Golden Gate branch library.

From: Supervisor Newsom
To: City Attorney
Requesting/Inquiring: To draft an ordinance that requires construction projects obtaining a building permit, to submit a recycling plan for City staff approval, that meets minimum diversion requirements and pay both a refundable deposit and administrative fee; and to set minimum diversion requirements and provide for the financial and administrative incentives to encourage the best possible recycling practices.

From: Supervisor Sandoval
To: City Attorney
Requesting/Inquiring: To draft legislation requiring the Department of Real Estate to confer with the Mayor's Office of Community Development, Mayor's Office of Economic Development, and the Redevelopment Agency anytime Real Estate is purchasing or leasing property to house a City function. Requesting that the legislation also mandate that any such lease or purchase of property be reviewed by the committee of the Board of Supervisors responsible for the review of issues related to community and economic development. The legislation should also identify areas of San Francisco where economic and community development is particularly needed and where the Department of Real Estate should first locate these sites.

From: Supervisor Sandoval
To: City Attorney
Requesting/Inquiring: To draft a memorandum identifying and explaining the principal local, state, and federal laws that can be used to prosecute fraud committed in city departments by city employees, commissioners, and elected officials. We are using "fraud" in its broadest sense including corruption, graft, bribes, embezzlement, and any other common abuses of the public trust. The goal is to find ways to strengthen laws against city employee initiated fraud. Also requesting that the City Attorney send a carbon copy of this memorandum to Beau Beausoleul, 719 Lisbon Street, San Francisco, CA 94112.

From: Supervisor Sandoval
To: Director, Department of Parking and Traffic
Requesting/Inquiring: To report on the feasibility of making Guttenberg Street a one-way street with traffic heading north. Also requesting the Clerk send a carbon copy of this letter of inquiry to:
Humberto Valle, 74 Pretor Way, San Francisco, CA 94112 and Charles Rettus, 73 Pretor Way, San Francisco, CA 94112.

From: Supervisor Daly
To: Director, Mayor's Office of Economic Development
To: Director, Public Works
To: Director, Planning
To: Director, Parking and Traffic
To: Director, Redevelopment Agency
Requesting/Inquiring: That the Directors of the Mayor's Office of Economic Development, Public Works, Planning, Parking and Traffic and Redevelopment Agency comment on the resolved issues with the Central Freeway/Octavia Boulevard Project, including but not limited to:
Design of the Market Street Intersection
Configuration of Elgin Park at Market Street
McCoppin Street Dead End
Valencia Street Lease Area
Freeway Structure Aesthetics

In Memoriams

Senator Paul Wellstone (Entire Board)
Donald Montwill (Supervisors Ammiano, Daly, Leno)
Bob Salomon (Supervisor Gonzalez)
Daisy Leach (Supervisor Hall)
Harry Hay (Supervisors Leno, Ammiano)
Adolph Green (Supervisor Leno)
Sister Mary Inez Hernandez (Supervisor McGoldrick)

ADJOURNMENT

There being no further business, the Board at the hour of 6:25 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 25, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.6:25 p.m.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Monday, November 4, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	**Meeting Days**
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 42

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.

The meeting was called to order at 2:06 p.m.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Newsom, seconded by Supervisor Yee, moved to approve September 30, 2002 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

AGENDA CHANGES

Supervisor Ammiano informed the Board that File Nos. 020678 and 021846 may be continued.
The Clerk of the Board informed the Board that File No. 021823 may be heard out of order.

Privilege of the Floor

Supervisor Gonzalez, seconded by Supervisor Peskin, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Supervisor Gonzalez introduced, welcomed and presented a Certificate Honor to Dave Snyder, Executive Director of the San Francisco Bicycle Coalition.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of Rules and Audits Committee

021679 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Robin Dubner against the City and County of San Francisco for $205,000; the lawsuit was filed on 12/31/97 in the U.S. District Court, Case No. 98-1075; entitled Robin Dubner v. City and County of San Francisco, et al. (City Attorney)

(No Public Benefit Recipient.)

Ordinance No. 223-02
FINALLY PASSED

Recommendations of the Transportation and Commerce Committee

021538 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Moraga Street, stopping 32nd and 34th Avenues at Moraga Street, making these intersections all-way STOP's;
Broderick and Eddy Streets, stopping Eddy Street, making this intersection an all-way STOP;
Carroll Avenue and Quint Street, stopping Carroll Avenue, making this intersection an all-way STOP;
26th Avenue and Santiago Street, stopping 26th Avenue, making this intersection an all-way STOP;
35th Avenue at Ulloa Street, stopping 35th Avenue at Ulloa Street, making this intersection an all-way STOP;
Jerrold Avenue and Mendell Street, stopping Mendell Street, making this T-intersection an all-way STOP;
Filbert Street, westbound, at Hyde Street, stopping westbound Filbert Street at Hyde Street;
Merritt and Danvers Streets, northeast corner, stopping westbound Merritt Street (stops the stem of this uncontrolled T-intersection); and,
Corbett Avenue and Danvers Street, southeast corner, stopping northbound Danvers Street (stops the stem of this uncontrolled T-intersection). (Parking and Traffic Department)

(9/19/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2494.)

Resolution No. 761-02
ADOPTED

021551 **[Traffic Regulations, Various Streets]**
Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY STREET (SOUTHBOUND) - ESTABLISH
Ankeny Street, between Bishop and Ward Streets.

ONE-WAY STREET (NORTHBOUND) - ESTABLISH
Gateview Avenue (Treasure Island), between the north and south intersections of Avenue B and Gateview Avenue. (Parking and Traffic Department)

(9/19/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2494.)

Resolution No. 762-02
ADOPTED

021669 **[MTA Accept and Expend Regional Funds - $540,000]**
Supervisors Sandoval, Gonzalez

Resolution authorizing the Municipal Transportation Agency to accept and expend $540,000 of Traffic Congestion Relief Program funds for improvements to the Geneva Office Building. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as a co-sponsor.
Resolution No. 764-02
ADOPTED

021700 **[DPT Accept and Expend Grant - $98,762.00]**
Mayor

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for retroactively, accept, and expend $98,762.00 in California State "Safe Routes to Schools" funds, with required local match of $11,238.00. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 759-02
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Finance Committee

021458 [Amend Police Code Section 1070.16]
Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Section 1070.16 to allow adults over the age of 18 into after hours premises.

Supervisor Gonzalez requested to be added as a co-sponsor.
FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, McGoldrick, Newsom, Peskin, Sandoval
Noes: 3 - Hall, Maxwell, Yee

Recommendations of the Health and Human Services Committee

011498 [Identification and Use of Surplus City Property for Housing]
Supervisors Daly, Gonzalez

Ordinance adding San Francisco Administrative Code Chapter 23A to identify and establish Board policy regarding surplus, unutilized and underutilized City real property for housing for the homeless.

Continued to November 12, 2002
Supervisor Gonzalez requested to be added as a co-sponsor.
Supervisor McGoldrick, seconded by Supervisor Newsom, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 7 - Ammiano, Hall, Leno, McGoldrick, Newsom, Sandoval, Yee
Noes: 4 - Daly, Gonzalez, Maxwell, Peskin

021462 [Prohibiting employment discrimination and business-to-business discrimination and making miscellaneous amendments to clarify existing discrimination provisions]

Supervisors Leno, Daly, Maxwell, Gonzalez

Ordinance amending Articles 33, 33B and 38 of the Police Code by amending Sections 3303, 3803, and 3852 to prohibit employment discrimination against independent contractors; amending Sections 3305, 3310, and 3805 to prohibit business-to-business discrimination; amending Section 3301, 3302, 3303, 3304 and 3305 to add creed and national origin to the protected categories; amending Sections 3301, 3302 and 3305.1 to add weight and height to the protected categories; amending Sections 3303, 3305 and 3307 and adding Section 3305.2 to clarify provisions relating to discrimination for association and retaliation with persons in protected categories; amending Sections 3300B.1, 3300B.3 and 3300B.4 to add age, gender identity, place of birth, weight and height to the protected categories; and amending Sections 3302, 3304, 3305, 3305.1, 3306, 3307, 3811 and 3856 for technical changes.

Supervisor Gonzalez requested to be added as a co-sponsor.

Ordinance No. 222-02

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

NEW BUSINESS

Recommendation of the Rules and Audits Committee

021788 [Appointment, Planning Commission]
Mayor

Motion approving the Mayor's nomination of William L. Lee to Seat No. 7 of the Planning Commission, term to be determined by lot. (Mayor)

Supervisor Gonzalez dissenting in committee.

Motion No. M02-185
APPROVED by the following vote:
Ayes: 10 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Gonzalez

Recommendations of the Transportation and Commerce Committee

021467 [Amend Police Code add Section 681]
Supervisors Yee, Gonzalez, Peskin

Ordinance amending the San Francisco Police Code Chapter 6, by adding Section 681 to prohibit the parking of large vehicles for the purpose of displaying commercial advertising.

Supervisor Peskin requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021569 **[Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "W" (1-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
York Street, both sides, between 22nd and 23rd Streets (1000 block); and
Hampshire Street, both sides, between 25th and 26th Streets (1300 block).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Waller Street, both sides, between Belvedere and Clayton Streets (portion of the 1500 block).

RESIDENTIAL PERMIT PARKING AREA "D" (4-HOUR TIME LIMIT, 9 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Sussex Street, both sides, between Conrad and Diamond Streets (addresses 110 - 171 only).

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Castro Street, both sides, between 22nd and Hill Streets (portion of the 800 block);
Castro Street, both sides, between 22nd and Alvarado Streets (900 block);
Castro Street, both sides, between 23rd and Alvarado Streets (1000 block);
23rd Street, both sides, between Castro and Diamond Streets (4100 block);
Linda Street, both sides, between 18th Street and south terminus (Unit and 100 blocks); and
19th Street, both sides, between Guerrero and Valencia Streets (3500 block).

RESIDENTIAL LIMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Duncan Street, both sides, between Church and Sanchez Streets (300 block).

ONE-HOUR PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
Fitzgerald Avenue, north side, between 3rd and Jennings Street.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Pollard Place, both sides, north of Vallejo Street.

PARKING METERS - RESCIND
RESIDENTIAL PERMIT PARKING AREA "C" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Bush Street, both sides, between Jones and Taylor Streets (900 block).

TOW-AWAY NO STOPPING EXCEPT FOR 1-HOUR TRUCK LOADING, 7 AM TO 4 PM, MONDAY TO FRIDAY - ESTABLISH
Townsend Street, north side, from 287 feet to 369 feet east of 7th Street (82-foot zone).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
PARKING METER AREA NO. 3 - EXTEND
Broadway, south side, from 68 feet to 206 feet east of Sansome Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Broadway, north side, from Montgomery Street to 54 feet easterly;
Broadway, north side, from Sansome Street to 65 feet westerly;
Broadway, north side, from Sansome Street to 68 feet easterly;

Broadway, north side, from Battery Street to 70 feet westerly;
Broadway, south side, from Montgomery Street to 60 feet easterly; and
Broadway, south side, from Sansome Street to 67 feet westerly.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Jessie Street, south side, between 3rd and Annie Streets.

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM AND 3 PM TO 6 PM, MONDAY THROUGH FRIDAY, PASSENGER LOADING ZONE, ALL OTHER TIMES - ESTABLISH
Mission Street, north side, from 152 feet to 191 feet east of 3rd Street (39-foot zone at parking meters #672 and #674).

PARKING METER - RESCIND
Palou Avenue, north side, between 3rd and Newhall Streets, removing parking meters #1602 and #1606.

NO PARKING ANYTIME - ESTABLISH
Missouri Street, west side, from 190 feet north of Cesar Chavez Street to the terminus ending at a private driveway (200 foot zone).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Spofford Street, both sides, between Clay and Washington Streets.

MID-BLOCK CROSSWALK - ESTABLISH
Townsend Street, between 3rd and 4th Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Gateview Avenue (Treasure Island), both sides, between 13th Street and Avenue B, north intersection (replaces existing red zones).

RED (NO PARKING ANYTIME) ZONES - RESCIND
Bayside Drive (Treasure Island), both sides, between the east and west intersections of Bayside Drive and Gateview Avenue;
North Point Drive (Treasure Island), both sides, between the east and west intersections of Gateview Avenue and North Point Drive; and
Gateview Avenue (Treasure Island), both sides, between the north and south intersections of Avenue B and Gatewiew Avenue.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Bayside Drive (Treasure Island), both sides, between the east and west intersections of Bayside Drive and Gateview Avenue (replacing existing red zones);
North Point Drive (Treasure Island), both sides, between the east and west intersections of Gateview Avenue and North Point Drive (replacing existing red zones);
Gateview Avenue, north/east side, from a point 29 feet west of the driveway at #1306A to a point opposite the south line of the driveway at #1307A;
Gateview Avenue, south/west side, between the driveways at #1303D and #1307A;
Gateview Avenue, west side, from Westside Drive (south intersection) to the driveway at #1311A;
Gateview Avenue, west side, from Westside Drive (south intersection) to the driveway at #1315A; and
Gateview Avenue, both sides, between Westside Drive (north intersection) and Avenue B (north intersection).

TOW-AWAY, NO PARKING ANYTIME - EXCEPT LAW ENFORCEMENT VEHICLES - ESTABLISH
Stevenson Street, south side, from 7th Street to 294 feet easterly (294-foot zone);
300 block of Jackson Street, south side, between Custom House Place and Battery Street (121-foot zone, replacing parking meters #309, #313, #317, #319 and #321);
500 block of Battery Street, west side, from Jackson Street to 100 feet southerly (100-foot zone, replacing parking meters #521, #523, #525, and #527); and
400 block of Washington Street, north side, from Battery Street and Custom House Place (117-foot zone, replacing one blue zone and parking meters #404, #406, and #408).

ANGLE PARKING (45-DEGREE) - ESTABLISH
500 block of Washington Street, south side, from 21 feet to 192 feet west of Sansome Street (converts nine parallel parking stalls into 16 angle parking stalls).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
PARKING METER AREA NO. 1 (METERED MOTORCYCLE PARKING) - ESTABLISH
400 block of Battery Street, east side, from Washington Street to 98 feet southerly (creates 25 new motorcycle parking spaces).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
PARKING METER AREA NO. 1 (30-MINUTE TIME LIMIT, 7AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
400 block of Battery Street, east side, from 98 feet to 184.5 feet south of Washington Street (creates three new automobile parking spaces).

TEMPORARY STREET CLOSURE - ESTABLISH
4th Street Bridge over Mission Creek. (Work for seismic retrofit rehabilitation beginning around October 2002 and lasting approximately 18 months.) (Parking and Traffic Department)

(DPW conducted the environmental review study. The Finding of No Significant Impact (FONSI) was issued on April 8, 2002, File No. 04-SF-0-CR.)
(9/19/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2494.)

Resolution No. 763-02
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021675 **[Street Artist Winter Holiday Spaces]**
Supervisor Leno

Resolution designating temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2002, beginning on November 15, 2002 and ending on January 15, 2003. (Arts Commission)

Resolution No. 765-02
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021699 **[DPT Accept and Expend Grant - $169,262]**
Mayor

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for retroactively, accept and expend up to $169,262 in California Department of Transportation Environmental Justice and Community-Based Planning Program funds for the 24th Street and Tenderloin Pedestrian Safety and Access Planning Project. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 758-02
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021701 **[DPT Accept and Expend Grant - $397,962]**
Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for retroactively, accept, and expend up to $397,962 in California State Department of Transportation Pedestrian Safety Funds for the North Mission/Tenderloin Pedestrian Safety Project. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 760-02
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

From Transportation and Commerce Committee "Without Recommendation"

Appointment of President Pro Tempore

At the request of the President, Supervisor Gonzalez assumed the Chair so the President could participate in the debate from the floor concerning the following items.

The President resumed the Chair shortly thereafter.

020678 **[Increase in Cap on Mean Gate Fee for Taxis and Increase Taxi Fares]**
Supervisors Hall, Yee, Ammiano

Ordinance amending Section 1135.1 of the Police Code to increase the mean gate fee cap for taxis to $90 per shift; amending Section 1135 of the Police Code to increase rates of fare for taxicabs to $2.75 for the first sixth of a mile, $0.45 for each additional fifth of a mile or fraction thereof, and $0.45 for each one minute of waiting or traffic delay time; and amending Section 1137 of the Police Code to provide that the Controller make future determinations every odd-numbered year as to the mean gate fee cap and the rates of fare for taxicabs, based on changes in the Consumer Price Index.

Continued to November 12, 2002
Supervisor Hall, seconded by Supervisor Yee, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 8 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Sandoval, Yee
Noes: 3 - Daly, Newsom, Peskin

021846 [Increase in Cap on Mean Gate Fee for Taxis and Increase Taxi Fares]
Supervisor Ammiano

Ordinance amending Sections 1135, 1135.1, and 1137 of the Police Code to increase the mean gate fee cap for taxis to $90 per shift, provided that certain conditions are fulfilled, and allowing for the sunsetting of the increase under certain circumstances; increase rates of fare for taxicabs to $2.75 for the first fifth of a mile, $0.45 for each additional fifth of a mile or fraction thereof, and $0.45 for each one minute of waiting or traffic delay time; and require the Controller to make future determinations every even-numbered year as to the mean gate fee cap and the rates of fare for taxicabs, based on changes in the Consumer Price Index and related information submitted to the Controller by taxicab companies.

Continued to November 12, 2002

Supervisor Hall, seconded by Supervisor Yee, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Sandoval, Yee
Noes: 3 - Daly, Newsom, Peskin

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

CALLED FROM COMMITTEE

(Pending approval of File 021823)

021612 **[Transgender Civil Rights Implementation Task Force]**
Supervisor Leno

Hearing to consider the final report and recommendations of the Transgender Civil Rights Implementation Task Force that just completed two years of groundbreaking work.

Members of the Transgender Task Force Final Report:
Marcus Arana, Discrimination Officer, Human Rights Commission;
Sarah Marshall; Marcia Chapdelaine; Jordy Jones; Gwen Smith
Community Reports:
Simon Aronoff; Dr. Joanne Keatley of UCSF; Prado Gomez; Chris Daly, Transgender Law Center; David Cameron Strachan, Intersex Society of North America; Shawna Virago; Commissioner Veronika Cauley; Tamica Gonzalez, API Wellness Center, Bilingual issues; Jaron Kanegson, Youth Gender Project; Johnnie Pratt, Transgender Community Center; Cecilia Chung, Pride Board; Debra Walker, President Harvey Milk Gay Lesbian Club;Theresa Sparks, Alice B. Toklas Club, presented a Commendation to Supervisor Mark Leno
Public Comment:
Sally Ramon; Rachel Chanel, Pablo Santos, Females to Males International; Transgender Woman, Member of Task Force; Bianco Stevens, sensitivity training for youth; Cristina San Rodriquez, transgender discrimination issues; Ms. Salas,educational services for transgender youth; Andrew Bozeman, appreciation of the Board of Supervisors establishment of the Transgender Task Force; Ms. Rodgers, Transgender Life Care Project; Representative of Transgender Pride Board; Ms. Hernandez; Jane Bollick
HEARD AT PUBLIC HEARING.

Supervisor Daly noted absent at 3:00 p.m.
Supervisor Newsom noted absent at 3:20 p.m.

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Joan Reinhardt Reiss, Breast Cancer Fund; support precautionary principle legislation
Abdulla Megahed; urge people to vote, and homelessness issues
Male Speaker; general issues
Vicky Tieran and female speaker; petition Gavingram Dog Policy Issues
Ted Milikin; facing eviction
Davis Baltz; support precautionary principle legislation
Kendra Klein, Breast Cancer Action; support precautionary principle legislation
Andrew Bozeman; homelessness issues
Otto Duncan; IRV election process
Jim Reid; homeless shelters
Garrett Jenkins, health and public safety issues 550 O'Farrell/Antonio Alley
Resident of 550 O' Farrell Street/Antonio Alley; health and public safety issues
Resident Manager of 550 O'Farrell Street/Antonio Alley; health and public safety issues

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021747 **[Anticipated Litigation - Construction-Related Disputes]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur regarding potential construction-related disputes.

This closed session would be permitted by Government Code Sections 54956.9(b) (1) and 54956.9(c), and San Francisco Administrative Code Section 67.10(d) (2). (City Attorney)

Supervisor McGoldrick noted absent at 4:50 p.m.

Supervisor Leno, seconded by Supervisor Peskin, moved that this Litigation be TABLED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Daly, McGoldrick, Newsom

[Elect To Disclose]
Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021817 **[Honor 2002 National League San Francisco Giants]**
Supervisors Ammiano, Hall, Peskin

Resolution honoring the 2002 National League San Francisco Giants for a season filled with memories.

Supervisors Hall and Peskin requested to be added as co-sponsors.

Resolution No. 766-02
ADOPTED

021818 **[Urge U.S. Immigration and Naturalization Service to reopen Israeli Yoav Shaul Case]**
Supervisors Leno, Ammiano, Peskin

Resolution urging the U.S. Immigration and Naturalization Service (INS) to reopen the case of Israeli immigrant Yoav Shaul and grant him a second interview, and urging the INS to reform procedures for interviewing applicants for permanent residency.

Supervisor Peskin requested to be added as a co-sponsor.

Resolution No. 767-02
ADOPTED

021820 **[Commend Dave Snyder]**
Supervisors Gonzalez, Leno, Maxwell, McGoldrick, Sandoval, Ammiano, Daly, Peskin, Yee, Newsom, Hall

Resolution commending Dave Snyder on eleven years of service as the Executive Director of the San Francisco Bicycle Coalition and his efforts to improve conditions for bicycling in San Francisco.

Resolution No. 769-02
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 8 - Ammiano, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Daly, McGoldrick, Newsom

Severed from For Adoption Without Reference Committee Agenda

021823 **[Committee of the Whole 11/4/02 - 3:00 PM]**
Supervisors Leno, Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin

Motion scheduling a Committee of the Whole on November 4th, 2002, at 3:00 PM to hold a hearing on the final report of the Transgender Civil Rights Implementation Task Force.

Supervisor Leno requested that this item be severed so that it could be considered separately.

Motion No. M02-186

Supervisor Leno, seconded by Supervisor Newsom, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

021649 **[Support "Principles for a More Secure San Francisco"]**
Supervisors Peskin, Daly, Sandoval, McGoldrick, Newsom, Ammiano

Resolution supporting "Principles for a More Secure San Francisco," as proposed by the Service Employees International Union, the largest security officer union in the nation, to provide higher standards for the private security industry.

Supervisor Peskin requested this item be severed so that it could be considered separately.

Continued to November 12, 2002

021819 **[Urge SFO to retain Experienced Airport Screeners]**
Supervisors Sandoval, Daly, Gonzalez

Resolution urging the San Francisco Transportation Security Administration and Covenant Aviation Security to retain experienced airport screeners at San Francisco International Airport by considering experience and giving priority to the incumbent screeners in the hiring of new Pre-Board Screeners.

Supervisor Sandoval requested this item be severed so that it could be considered separately.
Supervisors Daly and Gonzalez requested to be added as co-sponsors.

Resolution No. 768-02

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 3 - Daly, McGoldrick, Newsom

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021853 **[Extending the Existence of the CEDAW Task Force]**
Supervisor Maxwell

Ordinance amending San Francisco Administrative Code by amending Section 12K.5 to change the expiration date of the Convention to Eliminate all forms of Discrimination Against Women ("CEDAW") Task Force from December 31, 2002 to June 30, 2003.

11/4/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 12/4/2002.

021854 **[Amend Traffic Code Section 33.1 - Construction Area Sign Requirements]**
Supervisor Peskin

Ordinance amending San Francisco Traffic Code Section 33.1 to conform with Public Works Section 724.3 relating to sign requirements at construction sites.

11/4/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021855 **[Amend Planning Code Section 253 - Housing Legislation - R Districts]**
Supervisor Leno

Ordinance amending the San Francisco Planning Code by amending Section 253 that currently requires conditional use approval for residential construction over 40 feet in residential districts with height limits over 40 feet to add an exception for housing projects that include at least 12 percent affordable units and meet other requirements of the Inclusionary Affordable Housing Program; and making a determination of consistency with the priority policies of Planning Code Section 101.1(b).

11/4/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 12/4/2002.

021856 **[Providing for a new complaint procedure for the enforcement of the prevailing wage requirements]**
Supervisor Ammiano

Ordinance adding Subsection 6.24(C) to San Francisco Administrative Code, Chapter 6, Article II, Section 6.24 to establish a procedure for the Labor Standards Enforcement Officer's administration of complaints in the enforcement of prevailing wage requirements.

11/4/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 12/4/2002.

021857 **[Amend Health Code - Lead Hazard Definition Amendment]**
Supervisor Ammiano

Ordinance amending Section 1601 of Article 26 of the San Francisco Health Code to change the title of the Article to emphasize the lead poisoning prevention aspect of the Article; amending the definitions for various lead hazards in Section 1603 of Article 26 of the San Francisco Health Code to conform with the newly promulgated lead levels from the United States Environmental Protection Agency ("USEPA") and the California Department of Health Services ("CDHS") for Dust-Lead Hazard; conforming the terms used in the Article to those used by USEPA and CDHS; amending the definitions for "Case-Managed Child," "Elevated Blood Lead Child" and "Lead-Poisoned Child" to conform with the new requirements from the California Department of Health Services regarding case-management of lead-poisoned children, and making conforming changes to Sections 1601, 1602, 1604, 1617, and 1626.

11/4/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 12/4/2002.

Resolutions

021821 **[Commending Mark Leno]**
Supervisors Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Resolution commending Mark Leno for his distinguished service as Supervisor of the City and County of San Francisco.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021822 **[Commending Leland Yee]**
Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Resolution commending Leland Yee for his distinguished service as Supervisor of the City and County of San Francisco.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021852 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021858 **[Electricity Resource Plan]**
Supervisors Maxwell, Ammiano, Leno, Peskin

Resolution endorsing the electricity resource plan for San Francisco.
11/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021859 **[Precautionary Principle]**
Supervisors Leno, Peskin, Gonzalez, Sandoval

Resolution supporting the precautionary principle and requesting the Department of the Environment to prepare and submit legislation proposing the adoption of the precautionary principle as a general City policy and integrating a precautionary principle approach into the City's existing process for the purchase of commodities for the Board of Supervisors' consideration.
11/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021860 **[PG&E Bankruptcy]**
Supervisor Ammiano

Resolution urging the City Attorney to oppose the PG&E Reorganization Plan.
11/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021861 **[Declare 11/20/02 AIDS Emergency Fund Day]**
Supervisors Leno, Daly

Resolution declaring November 20, 2002, AIDS Emergency Fund Day in celebration of their 20th anniversary.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021862 **[Declare 11/20/02 Transgender Day of Remembrance]**
Supervisors Leno, Peskin, Daly

Resolution declaring November 20, 2002 as Transgender Day of Remembrance in San Francisco and expressing support for the expansion of transgender peoples' rights.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021863 **[Declare 11/17/02 Virginia and Bill Price Day]**
Supervisors Leno, Maxwell, McGoldrick, Ammiano, Peskin, Daly

Resolution declaring November 17, 2002 Virginia and Bill Price Day in San Francisco.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021864 **[Urge US Bank to consider establishment of a Bayview Hunters Point community development financial institution]**
Supervisor Gonzalez

Resolution urging US Bank to consider the establishment of a Bayview Hunters Point community development financial institution at its 3rd and Queseda Street location.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021868 **[Commend Anne Cribbs and BASOC 2012]**
Supervisors Hall, Peskin, Leno, Newsom

Resolution commending Anne Cribbs and all the staff and volunteers of the Bay Area Sports Organizing Committee (BASOC) for exhibiting the true Olympic spirit in their valiant bid to host the 2012 Summer Olympic Games.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021869 **[Urge San Francisco Grants for Arts, SFPD, DPT, DPW, community groups to begin organizing and planning for Halloween 2003]**
Supervisor Ammiano

Resolution urging the San Francisco Grants for the Arts, the San Francisco Police Department, the Department of Parking and Traffic, the Department of Public Works, neighborhood groups, community groups, and other interested parties to begin organizing and planning for Halloween 2003.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

021825 **[RCN Telecom Services Inc. Proposal for an OVS Franchise]**

Hearing to consider RCN Telecom Services, Inc. proposal to the City and County of San Francisco for an OVS (Open Video System) franchise, in accordance with Administrative Code Section 11.10. (Clerk of the Board)

(Pursuant to Section 11.11 of the San Francisco Administrative Code, the Controller shall complete the City's review costs and estimate of applicant's proposal fee within 15 business days of receipt of application.)
11/4/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021867 **[Legislative Analyst's Report on the 2000 Census Data by Supervisorial District]**

Hearing before the full Board of Supervisors to discuss the Office of the Legislative Analyst's Report on the 2000 Census Data by supervisorial district. (Clerk of the Board)
11/5/02, ASSIGNED to Board of Supervisors. Pursuant to File 021866, Board to sit as a Committee of the Whole on November 12, 2003, at 3:00 PM.

021870 **[Parking passes for San Francisco Unified School District schools]**
Supervisor Ammiano

Hearing to discuss the City and County parking passes for San Francisco Unified School District schools at the Joint City and School District Committee hearing.
11/4/02, RECEIVED AND ASSIGNED to City and School District Committee. Sponsor requests this item be scheduled for consideration at the November 20, 2002 meeting.

021871 **[Events of Halloween 2002]**
Supervisor Ammiano

Hearing investigating the events of Halloween 2002.
11/4/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

Motions

021865 **[Prohibition of ex parte communications during consideration of a conditional use and encroachment appeals before the Board of Supervisors]**
Supervisor Leno

Motion amending Rules of Order of the Board of Supervisors by adding Rule 1.10, which prohibits members of the Board of Supervisors from knowingly receiving, making, or participating in an ex parte communication with a party or interested member of the public regarding a conditional use appeal or a minor sidewalk encroachment appeal being considered by the Board.
11/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021866 **[Committee of the Whole]**
Supervisor Sandoval

Motion scheduling a Committee of the Whole on November 12th, 2002, at 3:00 PM to hold a hearing of the Legislative Analyst Report on the 2000 Census Data by supervisorial district.
11/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a Committee of the Whole on November 12, 2002, at 3:00 PM.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

021796 **[Port Security Services Civil Service Exclusion]**
Resolution approving the exclusion from Civil Service appointment of Security Guard Services for the Port of San Francisco pursuant to Charter Section 10.104.15. (Port)

(Fiscal impact; No Public Benefit Recipient.)
10/25/02, RECEIVED AND ASSIGNED to Finance Committee.

021797 **[Ratify Port Emergency Contract]**
Resolution ratifying San Francisco Port Commission emergency pier substructure repair contract. (Port)

(Fiscal impact; No Public Benefit Recipient.)
10/25/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021798 **[Integrated and innovative uses of surveillance data for sexually transmitted diseases]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new three year grant in the amount of $160,000 for the first year from the Centers for Disease Control and Prevention (CDC) to identify and develop integrated and innovative uses of surveillance data for sexually transmitted diseases and to enter into an agreement for the use of these funds; for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(No fiscal impact; No Public Benefit Recipient.)
10/24/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021799 **[Modification No. 4 to Contract No. 888 with Electric Transit Incorporated]**
Resolution approving Contract Modification No. 4 to Contract No. 888 (Procurement of Articulated and Standard Trolley Coaches) with Electric Transit Incorporated in an amount not to exceed $4,159,795.00, for a total contract amount not to exceed $191,728,113.89, for (1) implementation of 27 MUNI-requested change notices on 273 trolley buses, (2) adjustment of the schedule to allow completion of the change notices, (3) modification of the payment schedule to accelerate training of MUNI employees, (4) an increase of 405 pounds to the weight allowance for the buses, (5) improvement in warranty response time and addition of doors to warranty; and (6) clarification of the bonding provisions. (Municipal Transportation Agency)

(Fiscal impact.)
10/30/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021801 **[Airport Public Parking Services]**
Resolution approving the Controller's certification that Airport Public Parking Management Services for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)
10/30/02, RECEIVED AND ASSIGNED to Finance Committee.

021802 **[Airport Employee Parking Services]**
Resolution approving the Controller's certification that Employee Parking Management Services for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)
10/30/02, RECEIVED AND ASSIGNED to Finance Committee.

021803 **[Multifamily Housing Revenue Bonds (Folsom/Dore Apartments)]**
Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $16,500,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a bond purchase contract providing the terms and conditions for the sale of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of an intercreditor agreement; approving the form of and authorizing the preparation and distribution of an official statement relating to the bonds; making low income housing findings; ratifying and approving any action heretofore taken in connection with the bonds and the project; approving and authorizing the execution and delivery of any document necessary to implement this resolution; and related matters. (Mayor)

(Fiscal impact; Public Benefit Recipient.)
10/30/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the November 20, 2002 meeting.

Requests Granted

From: Supervisor Peskin
To: Director, Mayor's Office on Homelessness
Requesting/Inquiring: To investigate and report on individuals being turned away from the homeless shelter at Ella Hill Hutch Community Center on November 3, 2002. These individuals were prohibited from entering reportedly due to a shortage of blankets. Supervisor Peskin would like to know if this circumstance is common practice and what system exists to track such events so that they are minimized.

From: Supervisor Sandoval
To: City Attorney
Requesting/Inquiring: To draft legislation requiring retailers who sell hazardous materials to provide recycling services for those materials.

From: Supervisor Ammiano
To: Controller
Requesting/Inquiring: To prepare a report reviewing the issuance of medallions over the past ten years and recommending numerical measures to serve as the policy basis for issuance of new medallions, including, but not limited to, population growth, deplaning figures at SFO, hotel occupancy rates, and local automobile registration rates and further requesting that, to the extent feasible, the controller analyze trends of these measures over the past ten years and compare these trends to the number of permits issued.
Due: Within the next three months

From: Supervisor Ammiano
To: Director, Planning
Requesting/Inquiring: To submit a detailed plan for addressing environmental review of the Mission District Interim Zoning Controls sufficient to complete the review prior to the expiration of the interim controls. The plan should include projected costs to complete environmental review, current budget allocations to cover such costs, time required to procure consultant services, the process for scoping environmental review (including public input), Commission action required, public notice requirements (including comments on draft reports), the estimated date for adoption of final reports and time allotted for appeal of report adoption.
Due: November 30, 2002

In Memoriams

Chang-Lin Tien (Full Board)
Louis William Grossman (Supervisor Sandoval)

ADJOURNMENT

There being no further business, the Board at the hour of 5:05 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 25, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Tuesday, November 12, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair. Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 43

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

Members Absent: Mark Leno, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Leno, McGoldrick, Yee - 3.

Quorum present.

Supervisor McGoldrick was noted present at 2:07 p.m.

Supervisors Leno and Yee were excused. (see infra)

APPROVAL OF MEETING MINUTES

Supervisor Peskin, seconded by Supervisor Sandoval, moved to approve October 7, 2002 and October 15, 2002 Meeting Minutes. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, Newsom, Peskin, Sandoval
Absent: 3 - Leno, McGoldrick, Yee

Supervisors Leno and Yee Excused from Attendance

Supervisor Daly, seconded by Supervisor Maxwell, moved to excuse Supervisors Leno and Yee from attending today's meeting. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, Newsom, Peskin, Sandoval
Absent: 3 - Leno, McGoldrick, Yee

AGENDA CHANGES

The Clerk of the Board informed the Board that File No. 021866 will be heard prior to File No. 021867.

The Clerk of the Board informed the Board that File No. 021578 may be continued.

Supervisor Ammiano informed the Board that File Nos. 020678 and 021846 may be continued.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of Finance Committee

021715 **[Lease of Real Property]**

Resolution authorizing a new lease of real property at 1305 and 1309 Evans Avenue on behalf of the Department of Public Health, Children's System of Care and Family Mosaic. (Real Estate Department)

(Public Benefit Recipient; District 10.)

Resolution No. 787-02
ADOPTED

021716 **[Airport $3.5 Million Federal Grant]**

Resolution authorizing the Airport Commission to accept and expend grant funds in the amount of $3,503,877.00 from the U. S. Department of Transportation's Federal Aviation Administration for the purpose of reimbursing airports for extraordinary operating costs incurred as a result of the events of September 11, 2001 as authorized by the Aviation and Transportation Security Act of 2001. (Airport Commission)

(Public Benefit Recipient.)

Resolution No. 776-02
ADOPTED

021773 **[Accept-Expend State Grant - $1,000,000]**
Supervisors Peskin, Daly

Resolution authorizing the San Francisco Port Commission to accept and expend grants in the total amount of One Million Dollars ($1,000,000) from the California Coastal Conservancy, the Association of Bay Area Governments San Francisco Bay Trail Project, the California Transportation Commission Environmental Enhancement and Mitigation Program and the State of California Wildlife Conservation Board for the Ferry Terminal Public Pier Project.

(No Public Benefit Recipient.)

Resolution No. 777-02
ADOPTED

021774 **[Accept-Expend State Grant - $500,000.00]**
Supervisor Peskin

Resolution authorizing the San Francisco Port Commission to accept and expend a federal grant in the amount of $500,000.00 from the Federal Transportation Security Administration to fund the Port's security assessment efforts.

(No Public Benefit Recipient.)

Resolution No. 778-02
ADOPTED

Recommendations of the Rules and Audits Committee

020672 **[Appointment]**

Resolution appointing Deidre Von Rock, William Wong, and John Hentz, terms to be determined, to the Citizen's General Obligation Bond Oversight Committee, residency requirement waived.

Deidre Von Rock, new position, seat 1, must be active in a business organization representing the business community located within the City, for a new two-year term to be determined;
William Wong (residency requirement waived), new position, seat 2, must be active in labor organizations, for a new two-year term to be determined;
John Hentz, new position, seat 3, must be active in community organization, for a new two-year term to be determined.

Resolution No. 781-02
ADOPTED

021714 **[Settlement of Claim - Nancy Cowhig]**

Resolution approving the settlement of the unlitigated claim filed by Nancy Cowhig against San Francisco for $60,000; claim was filed on December 12, 2001. (City Attorney)

(Public Benefit Recipient.)

Resolution No. 786-02
ADOPTED

021084 **[Appointment]**

Resolution appointing Julia Viera, Joseph Porcoro, John Omernik, Stephen Shinn, Machaela Hoctor, Deborah Mansfield, Nino Parker, and Marc Anthony Bruno, indefinite terms, to the Graffiti Advisory Board, residency requirement waived.

Julia Viera, new position, seat 4, must represent a nonprofit organization who provides services related to the City's beautification and neighborhood cleanup programs, for an indefinite term;
Joseph Porcoro, new position, seat 5, must represent a nonprofit organization who provides services related to the City's beautification and neighborhood cleanup programs; for an indefinite term;
John Omernik, new position, seat 8, must represent private schools in San Francisco, for an indefinite term;
Stephen Shinn (residency requirement waived), new position, seat 9, must represent the contracting agency for Municipal Railway Shelters, for an indefinite term;
Machaela Hoctor (residency requirement waived), new position, seat 10, must be an at-large member with knowledge in graffiti issues, for an indefinite term;
Deborah Mansfield, new position, seat 11, (non-voting member) must represent neighborhood organizations from varying districts in San Francisco, for an indefinite term;
Nino Parker, new position, seat 12, (non-voting member) must represent neighborhood organizations from varying districts in San Francisco, for an indefinite term;
Marc Anthony Bruno, new position, seat 13, (non-voting member) must represent neighborhood organizations from varying districts in San Francisco, for an indefinite term.

Resolution No. 783-02
ADOPTED

Recommendations of the Health and Human Services Committee

021585 **[Treatment on demand substance abuse services and evaluation in San Francisco]**
Supervisors Leno, Daly, Gonzalez, Newsom

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $1,000,000 from the Substance Abuse and Mental Health Services Administration (SAMHSA) to continue treatment on demand services and evaluation and to enter into an agreement for the use of these funds; for the period of August 1, 2002, to July 31, 2003. (Public Health Department)

Supervisors Gonzalez and Newsom requested to be added as co-sponsors.

Resolution No. 770-02
ADOPTED

021674 **[Plans for public health preparedness and response to bioterrorism]**
Supervisor Newsom

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant allocation in the amount of $766,187 from the California Department of Health Services (CDHS) to further develop and implement plans for public health preparedness and response to bioterrorism and to enter into an agreement for the use of these funds; for the period of July 1, 2002 to June 30, 2003. (Public Health Department)

Supervisor Newsom requested to be added as sponsor.

Resolution No. 774-02
ADOPTED

021713 **[Preventive oral health care among various ethnic/racial caregivers of children in San Francisco between 1 and 5 years of age]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $129,938 with The Regents of the University of California (UCR), the primary contractor, to understand ethnic/racial cultural differences related to children's oral health, under the second year of an award from the National Institutes of Health (NIH); for the period of August 1, 2002, to July 31, 2003. (Public Health Department)

(Public Benefit Recipient.)

Resolution No. 775-02
ADOPTED

PASS THE CONSENT AGENDA by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, Newsom, Peskin, Sandoval
Absent: 3 - Leno, McGoldrick, Yee

Supervisor McGoldrick noted present at 4:07 p.m.

UNFINISHED BUSINESS

Recommendation of the Health and Human Services Committee

011498 [Identification and Use of Surplus City Property for Housing]
Supervisors Daly, Gonzalez

Ordinance adding San Francisco Administrative Code Chapter 23A to identify and establish Board policy regarding surplus, unutilized and underutilized City real property for housing for the homeless.

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

Continued to November 18, 2002

CONTINUED AS AMENDED ON FINAL PASSAGE by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

Recommendation of the Transportation and Commerce Committee

021467 [Amend Police Code add Section 681]
Supervisors Yee, Peskin, Gonzalez

Ordinance amending the San Francisco Police Code Chapter 6, by adding Section 681 to prohibit the parking of large vehicles for the purpose of displaying commercial advertising.

Supervisor Gonzalez requested to be added as a co-sponsor.

Ordinance No. 224-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

From Transportation and Commerce Committee "Without Recommendation"

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following items.

The President resumed the Chair shortly thereafter.

020678 [Increase in Cap on Mean Gate Fee for Taxis and Increase Taxi Fares]
Supervisors Hall, Yee, Ammiano

Ordinance amending Section 1135.1 of the Police Code to increase the mean gate fee cap for taxis to $90 per shift; amending Section 1135 of the Police Code to increase rates of fare for taxicabs to $2.75 for the first sixth of a mile, $0.45 for each additional fifth of a mile or fraction thereof, and $0.45 for each one minute of waiting or traffic delay time; and amending Section 1137 of the Police Code to provide that the Controller make future determinations every odd-numbered year as to the mean gate fee cap and the rates of fare for taxicabs, based on changes in the Consumer Price Index.

Supervisor Hall, seconded by President Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

Ordinance amending Sections 1079, 1135, 1135.1, and 1137 of the Police Code, and adding Section 1137.5, to increase the mean gate fee cap for taxis to $91.50 per shift, provided that certain conditions are fulfilled, and allowing for the sunsetting of the increase under certain circumstances; increase rates of fare for taxicabs to $2.85 for the first fifth of a mile, $0.45 for each additional fifth of a mile or fraction thereof, and $0.45 for each one minute of waiting or traffic delay time; require the Controller to make future determinations every even-numbered year as to the mean gate fee cap and the rates of fare for taxicabs, based on changes in the Consumer Price Index and related information submitted to the Controller by taxicab companies, with such determinations going into effect unless disapproved or modified by Board resolution; provide for offsetting increased costs to the paratransit program arising from meter fare increases; and prescribe a role for the Controller in analyzing the economic impact of prospective or actual decisions by the Taxi Commission and/or Board of Appeals to authorize the issuance of additional taxi permits, and recommending legislative adjustments to address adverse economic impacts.

Referred to a Speical Meeting of the Transportaiton and Commerce Committee on November 18, 2002 at 10:00 a.m.

REFERRED to the Transportation and Commerce Committee by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

021846 [Increase in Cap on Mean Gate Fee for Taxis and Increase Taxi Fares]
Supervisor Ammiano

Ordinance amending Sections 1135, 1135.1, and 1137 of the Police Code to increase the mean gate fee cap for taxis to $90 per shift, provided that certain conditions are fulfilled, and allowing for the sunsetting of the increase under certain circumstances; increase rates of fare for taxicabs to $2.75 for the first fifth of a mile, $0.45 for each additional fifth of a mile or fraction thereof, and $0.45 for each one minute of waiting or traffic delay time; and require the Controller to make future determinations every even-numbered year as to the mean gate fee cap and the rates of fare for taxicabs, based on changes in the Consumer Price Index and related information submitted to the Controller by taxicab companies.

Supervisor Hall, seconded by President Ammiano, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

NEW BUSINESS

Recommendations of the Finance Committee

020994 [Approve expenditure of funds for emergency contract CW-336E]
Supervisor Gonzalez

Resolution approving the expenditure of funds for emergency contract CW-336E in the amount of $441,000 to replace variable frequency drives for main lift pumps at the Southeast Water Pollution Control Plant. (Public Utilities Commission)

(Fiscal impact; No Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.

Resolution No. 782-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

021647 [Federal grant funds of $9,375,000 for building the South Basin Bridge in San Francisco]
Supervisor Maxwell, Gonzalez, Newsom

Resolution authorizing the Director of Public Works to accept and expend $9,375,000 in federal Transportation Equity Act for the 21st Century (TEA21) Demonstration Funds with required local matching funds of $2,343,750 to undertake environmental studies related to the feasibility of building the South Basin Bridge in the City and County of San Francisco, provided that no general fund monies will be allocated to the project; placing $7,497,891 on reserve.

(Fiscal impact; No Public Benefit Recipient.)

Amended on page 1, lines 7 and 8, after "Bridge" by adding "or surface roadway that provides a southern approach route from Hunter's Point Shipyard to Highway 101" (New Title); further amended on page 2, lines 9 and 10, after "Bridge" by adding "or surface roadway that provides a southern approach route from Hunter's Point Shipyard to Highway 101"

Supervisors Gonzalez and Newsom requested to be added as co-sponsors.

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

Resolution authorizing the Director of Public Works to accept and expend $9,375,000 in federal Transportation Equity Act for the 21st Century (TEA21) Demonstration Funds with required local matching funds of $2,343,750 to undertake environmental studies related to the feasibility of building the South Basin Bridge or surface roadway that provides a southern approach route from Hunter's Point Shipyard to Highway 101 in the City and County of San Francisco, provided that no general fund monies will be allocated to the project; placing $7,497,891 on reserve.

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 773-02

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

021667 **[Fiscal Year 2002-03 California Constitution Appropriations Limit]**

Resolution establishing the appropriations limit for Fiscal Year 2002-03 pursuant to California Constitution Article XIII B. (Controller)

(No Public Benefit Recipient.)

Resolution No. 785-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

Recommendations of the Rules and Audits Committee

020890 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuits filed by Harsch Investment Corp. against the City and County of San Francisco for Harsch's payment of $1,464,000.00 to four affordable housing projects; the lawsuits were filed on July 19, 1994 in San Francisco Superior Court, Case No. 962-445; on November 12, 1996 in San Francisco Superior Court, Case No. 982-474; and on February 23, 1994 in United States District Court, Northern District of California, Case No. C-94-0629-DLJ; all entitled Harsch Investment Corp., v. City and County of San Francisco, et al. (City Attorney)

(No Public Benefit Recipient.)

Supervisor Sandoval dissenting in committee.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin
Noes: 1 - Sandoval
Absent: 2 - Leno, Yee

021644 **[Amend Administrative Code Section 10.20-1 - City Claims Procedures]**
Supervisor Hall

Ordinance amending the San Francisco Administrative Code by amending Section 10.20-1 to require that all claims for damages against the City, including those categories listed in Government Code Section 905, follow the procedures set forth in the Administrative Code unless specifically excepted by other laws.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

021845 **[Appointment]**

Resolution appointing Dietrick Falkenthal, term ending January 31, 2006, to the Veterans Affairs Commission.

Dietrick Falkenthal, succeeding Edwin Wilkerson, term expired, seat 10, must be an at-large appointment, for a new four-year term ending January 31, 2006.

Resolution No. 788-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

Recommendation of the Health and Human Services Committee

021805 **[Accept-Expend DOC Beverage Container Recycling Grant]**

Resolution authorizing the Department of Environment to retroactively accept and expend a grant in the amount of $450,330 from the State Department of Conservation (DOC) for Fiscal Year 2002/2003. (Environment)

(No Public Benefit Recipient.)

Resolution No. 780-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Pending approval of File 021866

021867 **[Legislative Analyst's Report on the 2000 Census Data by Supervisorial District]**

Hearing before the full Board of Supervisors to discuss the Office of the Legislative Analyst's Report on the 2000 Census Data by supervisorial district. (Clerk of the Board)

Adam Van de Water, Legislative Analyst, reviewed with Board the Report on the 2000 Census Data by Supervisorial Districts.

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

SPECIAL ORDER 3:00 P.M.

021710 **[Public Hearing - Appeal, Discretionary Review, 281-285 Edgewood Avenue]**

Hearing of persons interested in or objecting to the Planning Director's Discretionary Review dated September 30, 2002, Case No. 2002.0803DDDD, recommending approval, with certain revisions, of Building Permit Application Nos. 2002.03.15.1545, 2002.03.21.2036 and 2002.03.15.1556, proposing to construct a new, 27-foot tall single-family dwelling and a detached garage on a vacant lot, and to construct a second detached garage on an adjoining lot, within an RH-1(D) (Residential House, One-Family Detached) District and a 40-X Height and Bulk District, on property located at 281-285 Edgewood Avenue, west side, south of Belmont Avenue; Lots 042 and 043, in Assessor's Block 2641.

(Appeal filed October 8, 2002; Board final action date: November 18, 2002; companion measure to Files 021711, 021712; District 5.)

Appellants: Judith Harding
Jeffrey Cole; support appellant
David DiFrancesco; support appellant

Gerald G. Green, Director of Planning reviewed the Discretionary Review Recommendation.

Project Sponsor Representative: Jeremiah Hall
Dr. Dennes; Project Sponsor

A rebuttal period was allowed.

President then declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

021711 **[Discretionary Review Appeal - 281-285 Edgewood Avenue]**

Motion approving decision of the Planning Director approving Discretionary Review 2002.0803DDDD, on property located at 281-285 Edgewood Avenue, pursuant to Emergency Ordinances No. 186-02. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Hall, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

Motion No. M02-187

APPROVED AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Hall, Maxwell, McGoldrick, Newsom, Peskin
Noes: 2 - Gonzalez, Sandoval
Absent: 2 - Leno, Yee

021712 **[Discretionary Review Appeal - 281-285 Edgewood Avenue]**

Motion disapproving decision of the Planning Director approving Discretionary Review 2002.0803DDDD, on property located at 281-285 Edgewood Avenue, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Supervisor Hall, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Hall, Maxwell, McGoldrick, Newsom, Peskin
Noes: 2 - Gonzalez, Sandoval
Absent: 2 - Leno, Yee

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Male Speaker; support "Principles for a More Secure SF"
Bob Nare;support "Principles for a More Secure SF"
Tommy Jamica;support "Principles for a More Secure SF"
Portland Visiting Tourist; homeless issues
Tom McDongah; homeless issues
Male Speaker; general issues
Robert Pender; Park Merced Resident's Association issues
Larry Rims, VP Local 247, support "Principles for a More Secure SF"
Female Speaker, support keeping mechanical museum at the Cliff House
Youth Commissioner; Thurgood Marshall incident

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021578 **[Anticipated Litigation - Comcast.]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur with Television Signal Corporation and Comcast regarding compliance with the City's cable television franchise. (City Attorney)

This closed session would be permitted by Government Code Section 54956.9(b) and (c) and the San Francisco Administrative Code Section 67.10(d).
(10/15/02 Continued to November 12, 2002.)

Continued to November 18, 2002

Supervisor Peskin, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021861 **[Declare 11/20/02 AIDS Emergency Fund Day]**
Supervisors Leno, Daly

Resolution declaring November 20, 2002, AIDS Emergency Fund Day in celebration of their 20th anniversary.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 789-02
ADOPTED

021862 **[Declare 11/20/02 Transgender Day of Remembrance]**
Supervisors Leno, Peskin, Daly

Resolution declaring November 20, 2002 as Transgender Day of Remembrance in San Francisco and expressing support for the expansion of transgender peoples' rights.

Supervisors Peskin and Daly requested to be added as co-sponsors.

Resolution No. 790-02
ADOPTED

021863 **[Declare 11/17/02 Virginia and Bill Price Day]**
Supervisors Leno, Maxwell, McGoldrick, Ammiano, Peskin, Daly

Resolution declaring November 17, 2002 Virginia and Bill Price Day in San Francisco.

Supervisors Peskin and Daly requested to be added as co-sponsors.

Resolution No. 791-02
ADOPTED

021864 **[Urge US Bank to consider establishment of a Bayview Hunters Point community development financial institution]**
Supervisor Gonzalez

Resolution urging US Bank to consider the establishment of a Bayview Hunters Point community development financial institution at its 3rd and Queseda Street location.

Resolution No. 792-02
ADOPTED

021868 **[Commend Anne Cribbs and BASOC 2012]**
Supervisors Hall, Peskin, Leno, Newsom

Resolution commending Anne Cribbs and all the staff and volunteers of the Bay Area Sports Organizing Committee (BASOC) for exhibiting the true Olympic spirit in their valiant bid to host the 2012 Summer Olympic Games.

Supervisor Newsom requested to be added as a co-sponsor.

Resolution No. 793-02
ADOPTED

021869 **[Urge San Francisco Grants for Arts, SFPD, DPT, DPW, community groups to begin organizing and planning for Halloween 2003]**
Supervisor Ammiano

Resolution urging the San Francisco Grants for the Arts, the San Francisco Police Department, the Department of Parking and Traffic, the Department of Public Works, neighborhood groups, community groups, and other interested parties to begin organizing and planning for Halloween 2003.

Resolution No. 795-02
ADOPTED

021831 **[Conference on Economic Development]**
Supervisors Sandoval, Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee

Resolution supporting a conference on economic development and growth in San Francisco to take place in 2003.

Resolution No. 794-02
ADOPTED

021852 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M02-188
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

Severed From Adoption Without Committee Reference

021866 **[Committee of the Whole]**
Supervisor Sandoval

Motion scheduling a Committee of the Whole on November 12th, 2002, at 3:00 PM to hold a hearing of the Legislative Analyst Report on the 2000 Census Data by supervisorial district.

Supervisor Sandoval requested that this matter be severed so it could be considered separately.

Motion No. M02-189
APPROVED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

021649 **[Support "Principles for a More Secure San Francisco"]**
Supervisors Peskin, Daly, Sandoval, McGoldrick, Newsom, Ammiano

Resolution supporting "Principles for a More Secure San Francisco," as proposed by the Service Employees International Union, the largest security officer union in the nation, to provide higher standards for the private security industry.

Supervisor Peskin requested that this matter be severed so it could be considered separately.
Supervisors McGoldrick, Newsom and Ammiano requested to be added as co-sponsors.

Resolution No. 784-02
ADOPTED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

021821 [Commending Mark Leno]
Supervisors Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Resolution commending Mark Leno for his distinguished service as Supervisor of the City and County of San Francisco.

Supervisor Hall requested that this matter be severed so it could be considered separately.

Resolution No. 771-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

021822 [Commending Leland Yee]
Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Resolution commending Leland Yee for his distinguished service as Supervisor of the City and County of San Francisco.

Supervisor Hall requested that this matter be severed so it could be considered separately.

Resolution No. 772-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021892 [Appropriation for Consolidation of Administrative Offices]
Mayor

Ordinance appropriating $2,490,343 from fund balance for consolidation of administrative offices of the San Francisco Public Utilities Commission for fiscal year 2002-03. (Mayor)

(No Public Benefit Recipient; companion measure to File 021897.)
11/12/02, RECEIVED AND ASSIGNED to Finance Committee.

021893 [Settlement of Lawsuit]
Supervisor Maxwell

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against the Williams Energy Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been consolidated as Wholesale Electricity Antitrust Cases I & II in the United States District Court, Southern District of California, Case Nos. 02 CV 0990-RHW, CV 02-1000-RHW, 02 CV-1001 RHW; which settlement provides a modification of the long-term contracts between the State of California and Williams, transfer to the City and County of San Francisco of four electric generating turbines for use within the City, payment of approximately $19 million to assist with siting and developing electric generating equipment in San Francisco and elsewhere; and payment to City and County of San Francisco of $500,000 for attorney's fees and other expenses of litigation.

(No Public Benefit Recipient.)

11/12/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the December 4, 2002 meeting.

020972 [Designation of the Dogpatch Historic District]
Supervisors Maxwell, Leno, Peskin

Ordinance amending Article 10 of the Planning Code by adding Appendix L designating the Dogpatch Historic District, the location and the boundaries of which are generally between Indiana and Third Street, odd and even addresses, from 18th to Tubbs Street, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

6/3/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

6/10/02, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

11/12/02, ASSIGNED to Transportation and Commerce Committee.

11/12/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title

021908 [Amending Section 10.1 of the Administrative Provisions of the Annual Appropriation Ordinance]
Supervisors Sandoval, Gonzalez, McGoldrick, Daly

Ordinance amending Section 10.1 of the Administrative Provisions of the Annual Appropriation Ordinance to prohibit temporary exchanges or reclassifications to departmental Deputy Director, or equivalent classifications or policy-making or policy-implementing positions that report directly to a Department Head, without approval of the Board of Supervisors.

11/12/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

Resolutions

021894 **[Multifamily Housing Revenue Bonds - Carter Terrace]**
Supervisor Maxwell

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $17,000,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a bond purchase contract providing the terms and conditions for the sale of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of an intercreditor agreement; approving the form of and authorizing the preparation and distribution of an official statement relating to the bonds; making low income housing findings; ratifying and approving any action heretofore taken in connection with the bonds and the project; approving and authorizing the execution and delivery of any document necessary to implement this resolution; and related matters.

(Public Benefit Recipient.)
11/12/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the November 20, 2002 meeting.

021895 **[Canceling 1/6/03 Board of Supervisors Meeting]**
Resolution canceling the Monday, January 6, 2003, meeting of the Board of Supervisors.
11/12/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021896 **[Establish SF Abuse Free Zone]**
Supervisors Ammiano, Daly

Resolution urging the San Francisco Board of Supervisors to establish San Francisco as an Abuse Free Zone.
11/12/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021897 **[Lease of Real Property - 1155 Market Street]**
Mayor

Resolution authorizing the lease of 139,956 sq. ft. of office space in the building located at 1155 Market Street, San Francisco for the City and County of San Francisco Public Utilities Commission for consolidation of staff from various locations and authorizing the termination of an existing lease for certain office space at 1155 Market Street, San Francisco. (Mayor)

(Public Benefit Recipient.)
11/12/02, RECEIVED AND ASSIGNED to Finance Committee.

021898 [Commend San Francisco Urban Service Project]
Supervisors Newsom, Daly

Resolution commending the San Francisco Urban Service Project on its ten year anniversary and for providing service and dedication to the youth of San Francisco.
11/12/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021899 [Commend Richard Lipner]
Supervisor Maxwell

Resolution recognizing the tremendous contribution that Richard Lipner has made to the seniors of San Francisco and commending him for his dedication, and wishing him well in his future endeavors.
11/12/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

021900 [Stray Golf Balls]
Supervisor McGoldrick

Hearing to consider solutions to stray golf balls hit from Lincoln Park Golf Course to homes along Clement Street.
11/12/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

021901 [City's Plan for Residents "Timing Out" from CalWORKs]
Supervisor Maxwell

Hearing on the City's plan for residents "timing out" from CalWORKs beginning in January 2003, including those residents who speak English as a second language.
11/12/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021902 [Proposition A and P]
Supervisor Hall

Hearing to consider Public Utilities Commission's response to Proposition A and P.
11/12/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

Motions

021903 [Select Committee on Medical Cannabis]
Supervisor Leno

Motion establishing a Select Committee on Medical Cannabis, which shall be in operation through June 30, 2003.
11/12/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021904 [Committee of the Whole]
Supervisor Maxwell

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on December 9, 2002, at 3:00 p.m. to hold a hearing to consider adopting a Resolution of Necessity in connection with a proposal to acquire by eminent domain portions of Lot 24 in San Francisco Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue, for the construction of a substation for the Third Street Light Rail Project.
11/12/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a committee of the whole, to hold a public hearing on December 9, 2002, at 3:00 p.m.

021905 [Legislative Analyst Request]
Supervisor Daly

Motion asking the Legislative Analyst to assess funding for crime labs and DNA testing in comparable cities, identify the current backlog at the SFPD crime lab, and provide recommendations on how to increase capacity and efficiency at the crime lab.
11/12/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration November 18, 2002.

PROPOSED ORDINANCES

021827 [Changing Official Width of Sidewalk]
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1556 to change the official sidewalk width on a portion of 16th Street, 246.71 feet southwest of Potrero Avenue; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)
11/1/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

Motions

021903 **[Select Committee on Medical Cannabis]**
Supervisor Leno

Motion establishing a Select Committee on Medical Cannabis, which shall be in operation through June 30, 2003.

11/12/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021904 **[Committee of the Whole]**
Supervisor Maxwell

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on December 9, 2002, at 3:00 p.m. to hold a hearing to consider adopting a Resolution of Necessity in connection with a proposal to acquire by eminent domain portions of Lot 24 in San Francisco Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue, for the construction of a substation for the Third Street Light Rail Project.

11/12/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a committee of the whole, to hold a public hearing on December 9, 2002, at 3:00 p.m.

021905 **[Legislative Analyst Request]**
Supervisor Daly

Motion asking the Legislative Analyst to assess funding for crime labs and DNA testing in comparable cities, identify the current backlog at the SFPD crime lab, and provide recommendations on how to increase capacity and efficiency at the crime lab.

11/12/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration November 18, 2002.

PROPOSED ORDINANCES

021827 **[Changing Official Width of Sidewalk]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1556 to change the official sidewalk width on a portion of 16th Street, 246.71 feet southwest of Potrero Avenue; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

11/1/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021828 **[Changing Official Width of Sidewalk]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1557 to change the official sidewalk width on the northwest side of Treat Avenue between Alameda and Florida Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

11/1/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021829 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Nonprofits' Insurance Alliance of California for receipt of an aggregate amount of $26,380.14 from Nonprofits' Insurance Alliance of California; the City and County of San Francisco filed the lawsuit on March 29, 2002 in San Francisco Superior Court (Case No. 406-211). (City Attorney)

(No Public Benefit Recipient.)

10/31/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED RESOLUTIONS

021809 **[HIV/AIDS confidential counseling and testing services in family planning agency clinics]**
Supervisor Leno

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $186,000 from the California Family Health Council, Inc. (CFHC), to enhance and expand HIV/AIDS confidential counseling and testing services in family planning agency clinics and to enter into an agreement for the use of these funds; for the period of September 1, 2002, through August 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

11/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021816 **[Enhance the safety of firefighters as required by the State Fire Marshal's Office]**
Supervisor Sandoval

Resolution retroactively authorizing the San Francisco Fire Department (SFFD) to accept and expend a new grant in the amount of $409,633 from the Federal Emergency Management Agency (FEMA) to acquire 800 MHz portable radios for all firefighters working in suppression and to transfer from the California Fire Incident Reporting System (CFIRS) to the National Fire Incident Reporting System (NFIRS), for the period of September 15, 2002 through September 14, 2003.

(No Public Benefit Recipient.)

10/28/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

11/4/02, SUBSTITUTED. Fire Department submitted a substitute resolution bearing new title.

11/4/02, ASSIGNED to Public Works and Public Protection Committee.

Requests Granted

From: Supervisor Newsom
To: Director, Department of Human Services
To: Director, Department of Public Health
To: Clerk, Superior Court
Requesting/Inquiring: To report on plans and proposals for the implementation of Senate Bill 1421 in the City and County of San Francisco.

From: Supervisor Hall
To: Director, Children and Families Commission
To: Director, Childcare Planning and Advisory Council
Requesting/Inquiring: Inquiring how the Directors of the Children and Families Commission and the Childcare Planning and Advisory Council plan to work with the Safe Haven for Newborns Task Force on implementing the suggestions the Task Force may provide?
Due: December 1, 2002

From: Supervisor Sandoval
To: City Attorney
Requesting/Inquiring: To draft anti-monopoly legislation that would prevent the over concentration of the same retail stores in the city as to promote competition.

From: Supervisor Sandoval
To: Director, CVS Corporation
Requesting/Inquiring: Inquiring about their plans to site stores in San Francisco. Also requesting Clerk to send copy of letter to: Leamon Abrams, Mayor's Office of Economic Development, 1 Dr. Carlton B. Goodlett Place, Room 436, San Francisco, CA 94102.

From: Supervisor Sandoval
To: Executive Director, Department of Telecommunications and Information Services (DTIS)
Requesting/Inquiring: Requesting DTIS research the possibility of moving the California Channel off of cable channel 29 and using the additional airtime generated from this move for community access programming; and to research the possibility of beginning limited programming on digital or "dark" channels. Also requesting the Clerk to send a copy of this letter to Zane Blaney, Access SF, 1720 Market Street, San Francisco, 94102.

From: Supervisor Sandoval
To: Executive Director, Department of Telecommunications and Information Services (DTIS)
Requesting/Inquiring: Requesting DTIS initiate the process of identifying the "upstream sites" called for in the franchise agreement between the City and County of San Francisco and AT&T Broadband. Specifically, DTIS should develop a process and appropriate criteria for locating these sites. Also requesting the Clerk to send a copy of this letter to Zane Blaney, Access SF, 1720 Market Street, San Francisco, 94102.

From: Supervisor Gonzalez
To: Director, Department of Parking and Traffic
Requesting/Inquiring: To report on the feasibility of placing stop signs on Fulton Street between Stanyan and Masonic, particularly at the intersection of Cole Street and at the intersection of Clayton Street.
Due: December 12, 2002

From: Supervisor Gonzalez
To: City Attorney
Requesting/Inquiring: To draft an ordinance allowing for the reclassification of district attorneys, public defenders and public defender investigators as safety employees.

From: Supervisor Daly
To: Assessor/Recorder
Requesting/Inquiring: To provide a list of property owners on 8th Street between Howard and Folsom Streets.

From: Supervisor Daly
To: Director, Department of Public Works
Requesting/Inquiring: To provide an update on conditions of sidewalks on 8th Street between Howard and Folsom Streets, including citations for violation of Public Works Code Section 74 in the last two years. (With attached correspondence)

From: Supervisor Daly
To: Stanlee Gatti, Art Commission
Requesting/Inquiring: To comment on the conditions on 8th Street between Howard and Folsom Streets. (With attached correspondence)

From: Supervisor Ammiano
To: Director, Commission on the Status of Women
Requesting/Inquiring: Clerk to send copy of attached resolution declaring San Francisco as an Abuse Free Zone. (See attachment)

In Memoriams

Frank M. McDonagh (Supervisor Hall)
Mario Ernesto Jovel, Sr. (Supervisor Sandoval)
Osceola Washington (Supervisor Maxwell)

ADJOURNMENT

There being no further business, the Board at the hour of 4: 33 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on December 9, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Monday, November 18, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1st and 3rd Tuesday 1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 44

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

Members Absent: Mark Leno, Leland Y. Yee.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisor Leno, Newsom and Yee - 3.

Quorum present.

Supervisor Newsom was noted present at 2:05 p.m.

Supervisors Leno and Yee were excused. (see infra)

APPROVAL OF MEETING MINUTES

Supervisor Sandoval, seconded by Supervisor Maxwell, moved to approve October 21, 2002 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

Supervisors Leno and Yee Excused from Attendance

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to excuse Supervisors Leno and Yee from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

AGENDA CHANGES

The Clerk of the Board informed the Board that the following Files Nos. may be heard out of order: 020678, 021439 and 021442.

COMMUNICATIONS

The Clerk of the Board presented a communication from his Honor, the Mayor, returning with his veto the following Ordinance. (File No. 021458)

Privilege of the Floor

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

Supervisor McGoldrick introduced, welcomed and presented a Certificate of Honor to Lieutenant Croce "Al" Casciato for recognition of receiving the National Award for Hispanic Police Officer of the Year.

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Mr. Sotello.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Health and Human Services Committee

011498 [Identification and Use of Surplus City Property for Housing]
Supervisors Daly, Gonzalez

Ordinance adding San Francisco Administrative Code Chapter 23A to identify and establish Board policy regarding surplus, unutilized and underutilized City real property for housing for the homeless.

Supervisor Hall noted absent at 2:30 p.m.

Ordinance No. 227-02

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

Recommendations of the Rules and Audits Committee

020890 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuits filed by Harsch Investment Corp. against the City and County of San Francisco for Harsch's payment of $1,464,000.00 to four affordable housing projects; the lawsuits were filed on July 19, 1994 in San Francisco Superior Court, Case No. 962-445; on November 12, 1996 in San Francisco Superior Court, Case No. 982-474; and on February 23, 1994 in United States District Court, Northern District of California, Case No. C-94-0629-DLJ; all entitled Harsch Investment Corp., v. City and County of San Francisco, et al. (City Attorney)

(No Public Benefit Recipient.)

Supervisor Sandoval dissenting in committee.

Ordinance No. 225-02

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin
Noes: 1 - Sandoval
Absent: 3 - Hall, Leno, Yee

021644 **[Amend Administrative Code Section 10.20-1 - City Claims Procedures]**
Supervisor Hall

Ordinance amending the San Francisco Administrative Code by amending Section 10.20-1 to require that all claims for damages against the City, including those categories listed in Government Code Section 905, follow the procedures set forth in the Administrative Code unless specifically excepted by other laws.

Ordinance No. 226-02

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

NEW BUSINESS

Recommendations of the Finance Committee

021754 **[Re-appropriating funding for three positions to operate and maintain audio, video and security systems]**

Ordinance re-appropriating $127,577 of existing funding for three positions to operate and maintain audio, video, and security systems by the Administrative Services - Convention Facilities Management for Fiscal Year 2002-2003, and Amending Annual Salary Ordinance for Fiscal Year 2002-03. (Controller)

(No Public Benefit Recipient; companion measure to File 021793.)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

021793 [Public Employment]
Supervisor Gonzalez

Ordinance amending Ordinance No. 175-02 (Annual Salary Ordinance 2002/03) setting rates in the 2002-2003 Compensation Plan for two new classifications, establishing a budget for three positions, and deleting three positions in Convention Facilities for fiscal year 2002-03. (Human Resources Department)

(No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

021808 [Compensation for Employees Called to Active Military Duty in Response to International Terrorism]
Mayor

Ordinance amending the 2002-2003 Annual Salary Ordinance to entitle City officers or employees called to active duty with a military reserve organization to receive from the City the difference between the amount of the individual's military pay and the amount the individual would have received as a City officer or employee had the individual worked his or her normal work schedule. (Mayor)

PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

021776 [Third Amendment to Moscone Project Lease]
Mayor

Resolution approving and authorizing the execution and delivery of a Third Amendment to the Project Lease; approving the issuance of the Redevelopment Agency of the City and County of San Francisco Lease Revenue Refunding Bonds, Series 2002 (George R. Moscone Convention Center); providing that the principal amount of the Bonds to be issued shall not exceed an amount that will produce a net present value savings of at least three percent; approving the form of an Official Statement with respect thereto; and authorizing and ratifying the execution and delivery documents necessary for the issuance, sale and delivery of the Bonds. (Mayor)

(No Public Benefit Recipient.)

Resolution No. 779-02
ADOPTED by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

Recess

The Board, at the hour of 2: 56 p.m., took a brief recess.

Reconvening of the Board

The Board, at the hour of 3:00 p.m., reconvened.

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

021442 **[Hearing - 601 King Street]**
Hearing to consider legislation contained in File Nos. 021297 and 012042 regarding King Street.

(Companion measure to Files 012042, 021297, 021439.)

Roger Brandon; opposing project

President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Rise and Report Without Recommendation

Called From Transportation and Commerce Committee by Supervisor Daly

021297 **[CEQA Findings]**
Supervisor Daly

Resolution adopting environmental findings pursuant to the California Environmental Quality Act and State Guidelines in connection with adoption of a zoning map amendment for the 601 King Street Project.

Supervisor Daly, seconded by Supervisor Maxwell, moved that this Resolution be RE-REFERRED to the Transportation and Commerce Committee. The motion carried by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

012042 **[Zoning Map Amendment - King and Townsend Streets]**
Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco, Section Maps 8 and 8H, to change the use district designation of Assessor's Block 3800, Lots 1, 2, 3 and 4 and Assessor's Block 3799, Lot 7, at King and Townsend Streets near Seventh Street, from M-2 (Heavy Industrial) to SLR (Service/Light Industrial/Residential Mixed-Use District), to change the height and bulk district designation of Assessor's Block 3800, Lots 1 and 2, at King and Seventh Streets, from 50-X to 65-X, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Daly, seconded by Supervisor Maxwell, moved that this Ordinance be RE-REFERRED to the Transportation and Commerce Committee. The motion carried by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

SPECIAL ORDER 3:00 P.M.

021760 **[Public Hearing - Appeal, Discretionary Review - 1515-18th Avenue]**

Hearing of persons interested in or objecting to the Planning Director's Discretionary Review dated October 11, 2002, Case No. 2002.0174D, recommending approval of Building Permit Application No. 2001.12.26.591, Case No. 2002.0174D, proposing to construct a 11' X 12' deck and stairs 12' above grade at the rear of the single-family dwelling located in an RH-1 (Residential, House, One-Family) District and a 40-X Height/Bulk District, on property located at 1515-18th Avenue, west side between Kirkham and Lawton Streets; Lot 001E, in Assessor's Block 1864.

(Appeal filed October 10, 2002; Board final action date: November 18, 2002; companion measure to Files 021761, 021762; District 10.)

Appellant: Wilson Hsu
Female Speaker; support appellant
Peter Belamondi; support appellant

Gerald G. Green, Director of Planning reviewed the Discretionary Review Recommendation.

Project Sponsor: Maureen McGettigan, Owner of 1515 - 18th Avenue

A rebuttal period was allowed.

President then declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

021761 **[Discretionary Review Appeal, 1515-18th Avenue]**

Motion approving decision of the Planning Director approving Discretionary Review Case No. 2002.0174D, on property located at 1515-18th Avenue, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Motion No. M02-191

Supervisor Sandoval, seconded by Supervisor Newsom, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

021762 **[Discretionary Review Appeal - 1515-18th Avenue]**

Motion disapproving decision of the Planning Director approving Discretionary Review Case No. 2002.0174D, on property located at 1515-18th Avenue, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Supervisor Sandoval, seconded by Supervisor Newsom, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

SPECIAL ORDER 3:00 P.M.

021748 **[Public Hearing - Appeal, Discretionary Review - 594-48th Avenue]**

Hearing of persons interested in or objecting to the Planning Director's Discretionary Review recommendation dated September 30, 2002, Case No. 2002.0718DDDDD, approving Permit Application No. 2002.03.20.1980, subject to certain revisions, proposing the addition of a partial third story and roof deck to an existing single-family home in an RH-1 (Residential, House, Single-Family) District and a 40-X Height and Bulk district, on property located at 594-48th Avenue, northeast corner of Anza Street and 48th Avenue; Lot 16M, in Assessor's Block 1497.

(Appeal filed October 15, 2002; Board final action date: November 25, 2002; companion measure to Files 021749, 021750; District 1.)

The Clerk of the Board received a communication from the appellant withdrawing the Discretionary Review appeal.

Supervisor Maxwell, seconded by Supervisor Gonzalez, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

021749 **[Appeal, Discretionary Review - 594-48th Avenue]**

Motion approving decision of the Planning Director approving Discretionary Review Case No. 2002.0718DDDDD, on property located at 594-48th Avenue, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

The Clerk of the Board received a communication from the appellant withdrawing the Discretionary Review appeal.

Supervisor Maxwell, seconded by Supervisor Gonzalez, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

021750 **[Appeal, Discretionary Review - 594-48th Avenue]**

Motion disapproving decision of the Planning Director approving Discretionary Review Case No. 2002.0718DDDDD, on property located at 594-48th Avenue, pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Gonzalez, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

SPECIAL ORDER 3:00 P.M.

Supervisor Peskin Excused From Voting

Supervisor Maxwell, seconded by Supervisor Daly, moved to excuse Supervisor Peskin, at his request, because of possible conflict of interest. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

021764 **[Public Hearing - Appeal, Conditional Use, 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater)]**

Hearing of persons interested in or objecting to the decision of the Planning Director by Motion No. 16468 dated October 10, 2002, received by the Clerk's Office on October 23, 2002, approving conditional use application No. 2001.1126C, subject to modifications, to merge 6 lots into one lot with a total area greater than 9,999 square feet pursuant to Planning Code Section 712.11; to allow the construction of 8 dwelling units without the required off-street parking pursuant to Section 161(j); to allow a large retail store (Walgreens Phamacy) to occupy commercial space (10,000 gross square feet) on the ground floor and on a new mezzanine in excess of 5,999 square feet pursuant to Section 712.21 under Planning Department's modifications to proposed project; and adopting findings relating to the disapproval of a conditional use application to allow a large retail store (Walgreens Pharmacy) to occupy commercial space (12,800 gross square feet) on the ground floor and on a new mezzanine in excess of 5,999 square feet pursuant to Section 712.21 under the proposal submitted to the Department by the project sponsor. The project site is located in an NC-3 (Moderate-Scale Neighborhood Commercial) District and in a 65-X-Height and Bulk District, and in an RH-1 (Residential, One-Family) District in a 40-X Height and Bulk District on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), north side of Geneva Avenue, between Paris and London Streets; Lots 5-10 on Assessor's Block 6409.

(Appeal filed October 23, 2002; Final Negative Declaration adopted and issued June 13, 2002; Case No. 2001.1126C; companion measure to Files 021765, 021766, 021767, 021795; District 11.)

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Sandoval
Absent: 3 - Hall, Leno, Yee
Excused: 1 - Peskin

Supervisor Sandoval, seconded by Supervisor Gonzalez, moved to rescind the previous vote to allow public comment:

Motion to rescind approved by the following vote:
Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Sandoval
Absent: 3 - Hall, Leno, Yee
Excused: 1- Peskin

Linda Hart; support project sponsor
Ed Nazzaro, Owner of Daniel's Pharmacy; oppose project sponsor
Steve Currier, President Outer Mission Residents; support project sponsor

President declared the public hearing continued to November 25, 2002.

(Only one of the following two motions should be adopted.)

021765 **[Appeal, Conditional Use, 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater)]**

Motion approving decision of the Planning Director by Motion No. 16468, approving Conditional Use Application No. 2001.1126C, on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), and adopting findings pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Continued to November 25, 2002

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Sandoval
Absent: 3 - Hall, Leno, Yee
Excused: 1 - Peskin

021766 **[Appeal, Conditional Use, 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater)]**

Motion disapproving decision of the Planning Director by Motion No. 16468, approving Conditional Use Application No. 2001.1126C, on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), and adopting findings pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Continued to November 25, 2002

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Sandoval
Absent: 3 - Hall, Leno, Yee
Excused: 1 - Peskin

021767 **[Findings - 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater)]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2001.1126C, on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), for action by the Board at its next meeting. (Clerk of the Board)

Continued to November 25, 2002

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Sandoval
Absent: 3 - Hall, Leno, Yee
Excused: 1 - Peskin

021795 **[Environmental Review]**

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of property at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), and adopting findings pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Continued to November 25, 2002

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Sandoval
Absent: 3 - Hall, Leno, Yee
Excused: 1 - Peskin

COMMITTEE REPORTS

From Transportation and Commerce Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following items.

The President resumed the Chair shortly thereafter.

020678 [Increase in Cap on Mean Gate Fee for Taxis and Increase Taxi Fares]
Supervisors Hall, Ammiano, Yee

Ordinance amending Sections 1079, 1135, 1135.1, and 1137 of the Police Code, and adding Section 1137.5, to increase the mean gate fee cap for taxis to $91.50 per shift, provided that certain conditions are fulfilled, and allowing for the sunsetting of the increase under certain circumstances; increase rates of fare for taxicabs to $2.85 for the first fifth of a mile, $0.45 for each additional fifth of a mile or fraction thereof, and $0.45 for each one minute of waiting or traffic delay time; require the Controller to make future determinations every even-numbered year as to the mean gate fee cap and the rates of fare for taxicabs, based on changes in the Consumer Price Index and related information submitted to the Controller by taxicab companies, with such determinations going into effect unless disapproved or modified by Board resolution; provide for offsetting increased costs to the paratransit program arising from meter fare increases; and prescribe a role for the Controller in analyzing the economic impact of prospective or actual decisions by the Taxi Commission and/or Board of Appeals to authorize the issuance of additional taxi permits, and recommending legislative adjustments to address adverse economic impacts.

11/18/2002, From Special Meeting Transportation and Commerce Committee Amendment of the Whole Bearing Same Title.

Amended on page 10 line 18 and page 11 line 13 by inserting after "of" the word "temporary".

President Ammiano, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Leno, Yee

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdulla Megahed; feed the homeless
Vernon Jenkins; general issues
Anthony Imperial; advanced statistics
Female speaker; keep open the museum at the Cliff House

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

021905 **[Legislative Analyst Request]**
Supervisor Daly

Motion asking the Legislative Analyst to assess funding for crime labs and DNA testing in comparable cities, identify the current backlog at the SFPD crime lab, and provide recommendations on how to increase capacity and efficiency at the crime lab.

APPROVED by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021578 **[Anticipated Litigation - Comcast.]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur with Television Signal Corporation and Comcast regarding compliance with the City's cable television franchise. (City Attorney)

This closed session would be permitted by Government Code Section 54956.9(b) and (c) and the San Francisco Administrative Code Section 67.10(d).
(10/15/02 Continued to November 12, 2002.)

Continued to November 25, 2002

CONTINUED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021439 **[Committee of the Whole - 601 King Street]**
Supervisor Daly

Motion scheduling a Committee of the Whole to consider legislation regarding 601 King Street, to be held on November 18, 2002 at 3:00 PM.

Motion No. M02-190
APPROVED

021904 **[Committee of the Whole]**
Supervisor Maxwell

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on December 9, 2002, at 3:00 p.m. to hold a hearing to consider adopting a Resolution of Necessity in connection with a proposal to acquire by eminent domain portions of Lot 24 in San Francisco Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue, for the construction of a substation for the Third Street Light Rail Project.

Motion No. M02-194
APPROVED

021896 [Establish SF Abuse Free Zone]
Supervisors Ammiano, Daly

Resolution urging the San Francisco Board of Supervisors to establish San Francisco as an Abuse Free Zone.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 796-02
ADOPTED

021898 [Commend San Francisco Urban Service Project]
Supervisors Newsom, Daly

Resolution commending the San Francisco Urban Service Project on its ten year anniversary and for providing service and dedication to the youth of San Francisco.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 797-02
ADOPTED

021899 [Commend Richard Lipner]
Supervisor Maxwell

Resolution recognizing the tremendous contribution that Richard Lipner has made to the seniors of San Francisco and commending him for his dedication, and wishing him well in his future endeavors.

Resolution No. 798-02
ADOPTED

021832 [Final Map for a 10 Unit Mixed Use Condominium Project]
Motion approving Final Map of 3345 17th Street, a Mixed Use Condominium Project, being a subdivision of Lot 85 Assessor's Block No. 3576, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,808; District 9.)

Motion No. M02-192
APPROVED

021838 [Final Map for a 6 Unit Residential Condominium Project]
Motion approving Final Map of 2134 Green Street, A Residential Condominium Project, being a subdivision of Lot 6 in Assessor's Block No. 540, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,815; District 2.)

Motion No. M02-193
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Hall, Leno, Yee

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021911 **[MOU, H-1 Fire Rescue Paramedics, Local 790]**
Mayor

Ordinance adopting and implementing the mediated agreement establishing the terms of the Memorandum of Understanding between the Service Employees International Union, Local 790 for H-1 Fire Rescue Paramedics and the City and County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003. (Mayor)
11/18/02, RECEIVED AND ASSIGNED to Finance Committee.

021912 **[Tour buses prohibited on portions of El Camino del Mar and 25th Avenue]**
Supervisor Newsom

Ordinance amending Police Code Section 1183.31 to extend the prohibition on the driving of tour buses on El Camino del Mar between the Presidio and 25th Avenue, and on 25th Avenue between Lake Street and El Camino del Mar, from December 31, 2002 to December 31, 2007.
11/18/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 12/18/2002.

021913 **[Expanding eligibility for the heart trouble and pneumonia presumption to certain members of the Police Department and Fire Department]**
Supervisor McGoldrick

Ordinance amending section 16.86 of the San Francisco Administrative Code to provide that certain prior service in another police or fire department shall be counted toward qualification for the heart trouble and pneumonia presumption.
11/18/02, RECEIVED AND ASSIGNED to Finance Committee.

021914 **[Laguna Honda Replacement Project]**
Supervisor Hall

Ordinance authorizing the Director of Public Works (Director) to issue a competitive request for proposals (RFP) for the services of a Construction Manager-At-Risk (CM-at-Risk) for the Laguna Honda Hospital Replacement Project, and to award a contract for such services based on best qualifications. This ordinance further authorizes the Director to modify and assign the City's current professional services contract for construction management services with Turner Construction Company/Cooper Pugeda Management, Inc., a joint venture (Turner/CPM, JV) to Cooper Pugeda Management, Inc. (CPM); and to permit Turner Construction Company to participate in the RFP for the services of a CM-at-Risk.

(No Public Benefit Recipient.)
11/18/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021915 [Filing Electronic Copies of Campaign Statements]
Supervisor Ammiano

Draft ordinance amending Article I, Chapter 3 of the Campaign and Governmental Conduct Code, by amending Sections 1.305 and 1.310, and adding Section 1.312, to require political committees to file electronic copies of supplemental independent expenditure reports that must be filed on paper with the Commission; authorize the Ethics Commission to require political committees to file electronic copies of any other campaign disclosure statements that must be filed on paper with the Commission; require that political committees continue to file electronic copies of campaign disclosure statements, regardless of the committee's level of financial activity, until the committee files a statement of termination; and eliminate redundant definitions.

11/18/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

Resolutions

021916 [Power Purchase Agreement]
Supervisor Maxwell

Resolution approving a power purchase agreement with the California Department of Water Resources.

11/18/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the December 4, 2002 meeting.

021917 [Acquisition of Property by Eminent Domain]
Supervisor Maxwell

Resolution authorizing the acquisition of portions of Lot 24 in Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue, by eminent domain, for the construction of a substation for the Third Street Light Rail Project.

11/18/02, RECEIVED AND ASSIGNED to Board of Supervisors.

11/18/02, SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole on December 9, 2002, at 3:00 p.m.

021918 [Increasing the membership for SRO Hotel Safety and Stabilization Task Force]
Supervisor Ammiano

Resolution expanding the Single Room Occupancy Hotel Safety and Stabilization Task Force increasing the current membership by two seats.

11/18/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021919 [Treasure Island Development Authority Cooperative Agreement with U.S. Navy]

Resolution approving and authorizing the Treasure Island Development Authority to enter into the 15th modification to the Cooperative Agreement with the United States Navy to extend the Cooperative Agreement from October 1, 2002 to September 30, 2003. (Mayor)

11/18/02, RECEIVED AND ASSIGNED to Finance Committee.

021920 **[HOME Program Funds]**
Mayor

Resolution approving amendments to procedures for allocating federal home program funds. (Mayor)
11/18/02, RECEIVED AND ASSIGNED to Finance Committee.

021921 **[Grant funds for the preservation and restoration of the Old Mint]**
Mayor

Resolution authorizing the Mayor's Office of Economic Development to accept and expend a federal grant in the amount of $498,900 for the Preservation and Restoration of the Old Mint. (Mayor)

(No Public Benefit Recipient.)
11/18/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021923 **[Support LAFCo Future Work]**
Supervisor Gonzalez

Resolution requesting support of the Board of Supervisors for the Future Work Plan of the San Francisco Local Agency Formation Commission. (Clerk of the Board)
11/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021924 **[Urge DPT Pedestrian Countdown Signals]**
Supervisors Newsom, Daly, Sandoval

Resolution urging the Department of Parking and Traffic and the San Francisco County Transportation Authority to work in collaboration in order to secure new funding streams necessary to jointly contribute toward the long-term safety gains by installing pedestrian countdown signals at the remaining 500 signalized intersections in the City and County of San Francisco.
11/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021925 **[Authorize Recreation and Park to accept grant of $1,500,00 for renovation of Helen Wills tennis courts]**
Supervisors Peskin, Sandoval

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the total amount of $1,500,000 in State grant funds under the Murray-Hayden Urban Parks and Youth Service Program, from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 for the renovation of the play area, clubhouse and tennis courts at the Helen Wills Playground.
11/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021926 [City Attorney to investigate BAAQMD approved permit #2136]
Supervisors Sandoval, Daly

Resolution requesting the City Attorney to investigate whether adequate public notice was provided by the Bay Area Air Quality Management District to the affected community regarding Permit Application #2136 for increasing fuel throughput at the Shell Oil gasoline station at 4298 Mission Street and requesting the City Attorney to take all appropriate steps to protect the City's interests, including possible filing of a timely administrative appeal regarding the issuance of the permit.
11/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021927 [Authorize Recreation and Park to accept $773,150 for Holly Park Play Area]
Supervisors Ammiano, Sandoval

Resolution authorizing the Recreation and Park Department to accept and expend a grant in the total amount of $773,150 from the National Park Service under the Fiscal Year 2002 Urban Parks and Recreation Recovery Program for the renovation of the play area at Holly Park.
11/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021928 [Accept donation of 50 Neighborhood Electric Vehicles from Ford and 50 from Daimler Chrysler]
Supervisors Ammiano, Sandoval

Resolution accepting a donation of fifty (50) Neighborhood Electric Vehicles from Ford Motor Company and fifty (50) electric vehicles from Daimler Chrysler to be used for the continued implementation of the City's Healthy Air and Smog Prevention Ordinance (Administrative Code Chapter 85).
11/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021929 [Recognize Esther C. Blanchard]
Supervisors Maxwell, Sandoval

Resolution in recognition of Esther C. Blanchard for her commitment and dedication to her community and proclaiming Thursday, December 5, 2002 as Esther C. Blanchard Day in San Francisco.
11/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021930 [Commend Glynn Washington]
Supervisors Maxwell, Gonzalez, Daly, Sandoval

Resolution commending Glynn Washington, Administrator of the San Francisco Human Services Network, for the achievements of the San Francisco Human Services Network and for his service to our City.
11/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

021931 **[Health effects of exposure to petroleum/theatrical smokes and fogs]**
Supervisor Daly

Hearing regarding the adverse health effects of repeated exposure to and inhalation of petroleum distillate based theatrical smokes and fogs.
11/18/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021932 **[Citywide Action Plan.]**
Supervisor Gonzalez

Hearing on what progress has been made toward implementing the Citywide Action Plan.
11/18/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021933 **[Joint City/School District Meeting on the Parkside Project]**
Supervisor Ammiano

Hearing at the Joint City and School District Committee Meeting on January 15th, 2003, at 555 Franklin Street, San Francisco, on the Parkside Project.
11/18/02, RECEIVED AND ASSIGNED to City and School District Committee.

Motions

021910 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
11/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021934 **[Legislative Analyst Request - Business Improvements Districts]**
Supervisor Newsom

Motion directing the Office of the Legislative Analyst to conduct research on Business Improvement Districts in the City and County of San Francisco and other jurisdictions nationwide.
11/18/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration November 25, 2002.

021935 **[Hearing - Acquisition of Property by Eminent Domain]**

Hearing of persons interested in or objecting to proposed resolution authorizing the acquisition of portions of Lot 24 in Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue by eminent domain, for the construction of a substation for the Third Street Light Rail Project. (Clerk of the Board)

(Companion measure to Files 021904, 021917.)

11/18/02, SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole on December 9, 2002, at 3:00 p.m.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

021833 **[Stop Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Athens and Madison Streets, stopping Madison Street at Athens Street, making this T-intersection an all-way STOP;
Britton Street and Visitacion Avenue, stopping Visitacion Avenue at Britton Street, making this intersection an all-way STOP;
Arleta Avenue and Rutland Street, stopping Rutland Street at Arleta Avenue, making this intersection and all-way STOP; and
Cabrillo and La Playa Streets, stopping Cabrillo Street, the stem of this T-intersection.

STOP SIGNS - RESCIND
Tiffany Avenue at Duncan Street. (Parking and Traffic Department)

11/4/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2518.

11/7/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021834 **[Traffic Regulations, Various Streets]**

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH
Golden Gate Avenue, westbound from Masonic to Parker Avenues; and
Golden Gate Avenue, eastbound from Masonic Avenue to 130 feet westerly.

MULTIPLE LEFT TURN LANES - ESTABLISH
10th Street, southbound at Brannan Street, Division Street, and Potrero Avenue (mandatory left turn for curb lane, shared left turn/through for 2nd lane from curb). Curb lane is currently designated as a left turn lane.

STREET CLOSURE - ESTABLISH
Tiffany Avenue, northbound direction only, at Duncan Street

CROSSWALK CLOSURE - ESTABLISH
Duncan Street, at Tiffany Avenue, west crosswalk (crossing Duncan Street)

NO LEFT TURN - ESTABLISH
Duncan Street, westbound, at Tiffany Avenue (prohibits access from Valencia Street to southbound Tiffany Avenue)

RIGHT TURN ONLY - ESTABLISH
Duncan Street, eastbound, at Tiffany Avenue (prohibits access from Duncan Street to Valencia Street) (Parking and Traffic Department)

11/5/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2518.

11/7/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021835 **[Parking Regulations, Various Locations]**
Resolution enacting and rescinding parking regulations at various locations.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Van Dyke Street, south side, from the east end of the easternmost driveway of 1355 Van Dyke Street to Ingalls Street; and
Curtis and Rolph Streets, along the traffic island, south side, from the east end to 17 feet westerly (17-foot zone accommodating two parking stalls).

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9PM, MONDAY THROUGH FRIDAY) - ESTABLISH
23rd Street, both sides, between Castro and Noe Streets (4000 block).

RESIDENTIAL PERMIT PARKING AREA "U" (1-HOUR TIME LIMIT, 8 AM TO 10 PM, EVERYDAY) - ESTABLISH
906 and 925 Howard Street, between 5th and 6th Streets (adds specified addresses only).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
The Embarcadero, east side, between Harrison and Howard Streets. (The previously legislated peak Tow-Away hours of 7 AM to 9 AM and 3 PM to 7 PM will remain in effect.)

2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY
Rhode Island Street, east side, between 15th and Alameda Streets.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Green Street, south side, from Montgomery Street to 31.5 feet easterly (31.5-foot zone accommodating nine motorcycle parking stalls).

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Berry Street, both sides, between 3rd and 7th Streets;
Channel, both sides, between 4th and 6th Streets;
Channel, both sides, south of the Commons Street roundabout to Mariposa Street;
Mission Bay Street, both sides, between 4th and North Common Streets;
Mission Rock Street, both sides, between 4th Street and Terry A. Francois Boulevard;
Rincon Street, both sides, between Mission Bay Street and Terry A. Francois Boulevard;
North Common Street, north side, between Owens Street and Terry A. Francois Boulevard;
South Common Street, south side, between Owens Street and Terry A. Francois Boulevard;
South Street, both sides, between 3rd Street and Terry A. Francois Boulevard;
Mariposa Street, both sides, between Illinois and Pennsylvania Streets;
Bay Mud Street, both sides, between North Common and Rincon Streets;
4th Street, both sides, between Channel and Mariposa Street;
Terry A. Francois Boulevard, both sides, between Mariposa and Mission Rock Streets;
3rd Street, west side, from 16th Street to Mariposa Street; and
King Street, both sides, between 5th and Berry Streets.

RESIDENTIAL PERMIT PARKING AREA "X" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - RESCIND
Pennsylvania Avenue, west side, from 20th Street to 127 feet north of 22nd Street (500 and 600 blocks, up to and including address #666).

RESIDENTIAL PERMIT PARKING AREA "X" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Pennsylvania Avenue, west side, from 20th Street to 127 feet north of 22nd Street (500 and 600 blocks, up to

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Duncan Street, north side, from Tiffany Avenue to 40 feet westerly (40-foot zone)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Tiffany Avenue, east side, from Duncan Street to 40 feet southerly (40-foot zone). (Parking and Traffic Department)

11/5/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No.2518.

11/7/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021836 **[Contracting out Status Offender Shelter and Intake Services]**

Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by private contractor for lower cost than similar services performed by city and county employees. (Juvenile Probation Department)

(Public Benefit Recipient.)

11/12/02, RECEIVED AND ASSIGNED to Finance Committee.

Requests Granted

From: Supervisor Newsom
To: Director, Mayor's Office of Homelessness
To: Director, Department of Public Health
To: Director, Department of Human Services
Requesting/Inquiring: Requesting an update from the Mayor's Office of Homelessness, Department of Public Health and Department of Human Services on the permanent extension of the Citywide Winter Shelter Program, including:
1. What is the overall goal of annualizing this program?
2. What is the total number of beds ready for utilization for the winter 2002?
3. What are the locations of all citywide winter shelter programs?
4. What are the expected hours of operation for the shelters?
5. What is the status of the newly created Shelter Bed Vacancy Report?
6. How often is this report generated for the public?

From: Supervisor Newsom
To: Director, Department of Parking and Traffic
Requesting/Inquiring: Requesting an evaluation of the intersections of Laguna and Ellis Streets for traffic and pedestrian safety improvements.

From: Supervisor Newsom
To: Director, Department of Parking and Traffic
Requesting/Inquiring: Requesting an evaluation of the intersections of Parker and Maple Streets for traffic and pedestrian safety improvements.

From: Supervisors Sandoval, Daly
To: City Attorney
Requesting/Inquiring: To draft regulations that could be adopted by the Bay Area Air Quality Management District to require certain public notices to be translated into languages which will allow affected parties equal opportunity to participate in the process.
Cc: Bill Norton, Interim Director, Bay Area Air Management District, 939 Ellis Street, SF, 94109

From: Supervisor Sandoval
To: Director, Department of Parking and Traffic
Requesting/Inquiring: To research the feasibility of adding a left turn signal to an existing traffic light at the intersection of San Jose and Plymouth so that cars turn safely onto Sagamore Street.

From: Supervisor Sandoval
To: General Manager, Public Utilities Commission
Requesting/Inquiring: To investigate the level of street lighting on Sagamore Street between Capitol Avenue and Plymouth Street and whether the lighting can be improved to deter crime in this high crime area. Also requesting the Clerk to send a copy of this letter to:
Mr. Eddy B. Morales, 197 Sagamore Street, SF 94112

From: Supervisor Daly
To: City Attorney
Requesting/Inquiring: To draft legislation prohibiting the use of petroleum distillate based smoke and fog in municipal buildings.

From: Supervisor Maxwell
To: City Attorney

Requesting/Inquiring: To draft legislation to create interim zoning controls for an area of Visitacion Valley.

From: Supervisor Maxwell
To: City Attorney
Requesting/Inquiring: To draft legislation to create permanent zoning controls for an area of Visitacion Valley.

In Memoriams

Phillip Florin (Supervisor Newsom)

ADJOURNMENT

There being no further business, the Board at the hour 3:54 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on December 9, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Monday, November 25, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Leno, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, Leno, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Yee, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1st and 3rd Tuesday 1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 45

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

Members Absent: Tony Hall.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Hall, McGoldrick, Sandoval, Yee - 4

Quorum present.

Supervisors Sandoval and Yee were noted present at 2:04 p.m.
Supervisor McGoldrick was noted present at 2:24 p.m.

Supervisor Hall was excused. (see infra)

APPROVAL OF MEETING MINUTES

Supervisor Yee, seconded by Supervisor Daly, moved to approve October 28, 2002 and November 4, 2002 Meeting Minutes. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, Peskin
Absent: 4 - Hall, McGoldrick, Sandoval, Yee

Supervisor Hall Excused from Attendance

Supervisor Daly, seconded by Supervisor Maxwell, moved to excuse Supervisor Hall from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 2 - Hall, McGoldrick

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

Privilege of the Floor

It was decided to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Peskin introduced, welcomed and presented Certificates of Honor to John Marks, SF Convention and Visitors Bureau, George Begley, SF Hotel Council, Mike Casey, Local 2, Patricia Breslin, Golden Gate Restaurant Association.

Supervisor Ammiano, along with the entire Board of Supervisors, presented Engrossed Resolutions to Supervisors Leland Yee and Mark Leno.

REGULAR AGENDA

UNFINISHED BUSINESS

Supervisor Newsom Excused From Voting

Supervisor Newsom, seconded by Supervisor Yee, moved to excuse Supervisor Newsom, at his request, because of possible conflict of interest. The motion carried by the following vote:

Ayes: 8 - Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 1 - Daly
Absent: 1 - Hall
Excused: 1 - Newsom

Vetoed by the Mayor

021458 **[Amend Police Code Section 1070.16]**
Supervisors Leno, Daly, Gonzalez

Ordinance amending San Francisco Police Code Section 1070.16 to allow adults over the age of 18 into after hours premises.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on November 15, 2002. Therefore, the Board will loose the ability to override the veto unless it votes on the veto override on or before December 15, 2002.

(November 15, 2002 - Returned disapproved by Mayor;
November 18, 2002 - Consideration scheduled for November 25, 2002.)

Override of Mayor's Veto failed by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Leno, McGoldrick, Peskin, Sandoval
Noes: 2 - Maxwell, Yee
Excused: 1 - Newsom
Absent: 1- Hall

Recommendations of the Finance Committee

Supervisor Peskin noted absent at 5:24 p.m.

021754 **[Re-appropriating funding for three positions to operate and maintain audio, video and security systems]**

Ordinance re-appropriating $127,577 of existing funding for three positions to operate and maintain audio, video, and security systems by the Administrative Services - Convention Facilities Management for Fiscal Year 2002-2003, and Amending Annual Salary Ordinance for Fiscal Year 2002-03. (Controller)

(No Public Benefit Recipient; companion measure to File 021793.)

Ordinance No. 229-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Hall, Peskin

021793 **[Public Employment]**
Supervisor Gonzalez

Ordinance amending Ordinance No. 175-02 (Annual Salary Ordinance 2002/03) setting rates in the 2002-2003 Compensation Plan for two new classifications, establishing a budget for three positions, and deleting three positions in Convention Facilities for fiscal year 2002-03. (Human Resources Department)

(No Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 230-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Hall, Peskin

021808 **[Compensation for Employees Called to Active Military Duty in Response to International Terrorism]**
Mayor

Ordinance amending the 2002-2003 Annual Salary Ordinance to entitle City officers or employees called to active duty with a military reserve organization to receive from the City the difference between the amount of the individual's military pay and the amount the individual would have received as a City officer or employee had the individual worked his or her normal work schedule. (Mayor)

Ordinance No. 231-02

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

Recommendation of the Transportation and Commerce Committee

020678 [Increase in Cap on Mean Gate Fee for Taxis and Increase Taxi Fares]
Supervisors Hall, Ammiano, Yee

Ordinance amending Sections 1079, 1135, 1135.1, and 1137 of the Police Code, and adding Section 1137.5, to increase the mean gate fee cap for taxis to $91.50 per shift, provided that certain conditions are fulfilled, and allowing for the sunsetting of the increase under certain circumstances; increase rates of fare for taxicabs to $2.85 for the first fifth of a mile, $0.45 for each additional fifth of a mile or fraction thereof, and $0.45 for each one minute of waiting or traffic delay time; require the Controller to make future determinations every even-numbered year as to the mean gate fee cap and the rates of fare for taxicabs, based on changes in the Consumer Price Index and related information submitted to the Controller by taxicab companies, with such determinations going into effect unless disapproved or modified by Board resolution; provide for offsetting increased costs to the paratransit program arising from meter fare increases; and prescribe a role for the Controller in analyzing the economic impact of prospective or actual decisions by the Taxi Commission and/or Board of Appeals to authorize the issuance of additional taxi permits, and recommending legislative adjustments to address adverse economic impacts.

Ordinance No. 228-02
FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 1 - Newsom
Absent: 1 - Hall

NEW BUSINESS

Recommendations of the Finance Committee

021502 [Requiring the Mayor to submit budget estimates, proposed budgets and revenue estimates for selected departments by the first working day of May]
Supervisors McGoldrick, Daly, Gonzalez, Peskin

Ordinance amending Administrative Code Section 3.3 to eliminate the requirement that the Mayor submit a preliminary budget to the Board of Supervisors, and requiring the Mayor submit budget estimates, proposed budgets and detailed estimates of revenues for selected departments by the first working day of May, and the complete City budget by the first working day of June.

Supervisor Gonzalez requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

021801 [Airport Public Parking Services]
Supervisor Gonzalez

Resolution approving the Controller's certification that Airport Public Parking Management Services for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.

Resolution No. 808-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

021802 [Airport Employee Parking Services]

Resolution approving the Controller's certification that Employee Parking Management Services for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 809-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

021803 [Multifamily Housing Revenue Bonds (Folsom/Dore Apartments)]
Supervisor Daly

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $14,925,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a bond purchase contract providing the terms and conditions for the sale of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of an intercreditor agreement; approving the form of and authorizing the preparation and distribution of an official statement relating to the bonds; making low income housing findings; ratifying and approving any action heretofore taken in connection with the bonds and the project; approving and authorizing the execution and delivery of any document necessary to implement this resolution; and related matters. (Mayor)

(Fiscal impact; Public Benefit Recipient.)

Supervisor Daly requested to be added as sponsor.

Resolution No. 810-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

021897 **[Lease of Real Property - 1155 Market Street]**
Mayor

Resolution authorizing the lease of 139,956 sq. ft. of office space in the building located at 1155 Market Street, San Francisco for the City and County of San Francisco Public Utilities Commission for consolidation of staff from various locations and authorizing the termination of an existing lease for certain office space at 1155 Market Street, San Francisco. (Mayor)

(Public Benefit Recipient.)

Resolution No. 813-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

021892 **[Appropriation for Consolidation of Administrative Offices]**
Mayor

Ordinance appropriating $2,490,343 from fund balance for consolidation of administrative offices of the San Francisco Public Utilities Commission for fiscal year 2002-03. (Mayor)

(No Public Benefit Recipient; companion measure to File 021897.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

Recommendations of the Neighborhood Services and Recreation Committee

020765 **[Liquor License Transfer, 2650 Mason Street]**

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 501 Broderick Street to 2650 Mason Street (District 3) to Steve Chow for 7-Eleven Food Store #33006, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 801-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

021537 **[Liquor License Transfer, 335 Powell Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 1301 Noriega Street to St. Francis Hotel, 335 Powell Street (District 6), to Steven Grover for Liquid Assets, Inc. dba "Fine Wines International" from 1301 Noriega Street will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 799-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

Recommendations of the Public Works and Public Protection Committee

021827 [Changing Official Width of Sidewalk]
Supervisor Gonzalez

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1556 to change the official sidewalk width on a portion of 16th Street, 246.71 feet southwest of Potrero Avenue; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

021828 [Changing Official Width of Sidewalk]
Supervisor Gonzalez

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1557 to change the official sidewalk width on the northwest side of Treat Avenue between Alameda and Florida Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

021728 [Accept-Expend State Grant - $598,628]
Mayor

Resolution authorizing the Mayor's Office of Criminal Justice to retroactively accept and expend a grant in the amount of $598,628 from the Office of Criminal Justice Planning (OCJP) for the purpose of implementing local juvenile justice accountability measures through the Juvenile Accountability Incentive Block Grant program (JAIBG). (Mayor)

(Public Benefit Recipient)

Resolution No. 804-02

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

021729 [Accept-Expend Federal Grant - $599,102]
Mayor

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $599,102 from the Office of Justice Programs (OJP), Violence Against Women Office (VAWO) for the purpose of encouraging policies that treat domestic violence and sexual assault as serious violations of criminal law. (Mayor)

(Public Benefit Recipient)

Resolution No. 805-02
ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

021816 [Enhance the safety of firefighters as required by the State Fire Marshal's Office]
Supervisor Sandoval

Resolution retroactively authorizing the San Francisco Fire Department (SFFD) to accept and expend a new grant in the amount of $409,633 from the Federal Emergency Management Agency (FEMA) to acquire 800 MHz portable radios for all firefighters working in suppression and to transfer from the California Fire Incident Reporting System (CFIRS) to the National Fire Incident Reporting System (NFIRS), for the period of September 15, 2002 through September 14, 2003.

(No Public Benefit Recipient.)

Resolution No. 811-02
ADOPTED by the following vote:
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

Recommendations of the Transportation and Commerce Committee

021643 **[Electric Personal Assistive Mobility Devices (Segway)]**
Supervisors Daly, Peskin, Ammiano, McGoldrick, Gonzalez, Maxwell, Ma

Ordinance amending the San Francisco Traffic Code by banning the operation of electric personal assistive mobility devices (Segway) on all sidewalks in the City and County of San Francisco and in public transit stations and public transit vehicles.

Supervisor Gonzalez requested to be added as a co-sponsor.
PASSED ON FIRST READING by the following vote:
Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Newsom, Yee
Absent: 1 - Hall

021797 **[Ratify Port Emergency Contract]**
Resolution ratifying San Francisco Port Commission emergency pier substructure repair contract. (Port)

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 806-02
ADOPTED by the following vote:
Ayes: 7 - Ammiano, Daly, Leno, Maxwell, McGoldrick, Newsom, Peskin
Noes: 2 - Gonzalez, Sandoval
Absent: 2 - Hall, Yee

021799 **[Modification No. 4 to Contract No. 888 with Electric Transit Incorporated]**
Resolution approving Contract Modification No. 4 to Contract No. 888 (Procurement of Articulated and Standard Trolley Coaches) with Electric Transit Incorporated in an amount not to exceed $4,159,795.00, for a total contract amount not to exceed $191,728,113.89, for (1) implementation of 27 MUNI-requested change notices on 273 trolley buses, (2) adjustment of the schedule to allow completion of the change notices, (3) modification of the payment schedule to accelerate training of MUNI employees, (4) an increase of 405 pounds to the weight allowance for the buses, (5) improvement in warranty response time and addition of doors to warranty; and (6) clarification of the bonding provisions. (Municipal Transportation Agency)

(Fiscal impact.)

Resolution No. 807-02
ADOPTED by the following vote:
Ayes: 8 - Ammiano, Daly, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Gonzalez, Hall, Yee

021717 **[Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "J" (TWO-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Waller Street, both sides, between Belvedere and Cole Streets.

RESIDENTIAL PERMIT PARKING AREA "Z" (TWO-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
3301-3303 Mission Street, between Fair and Virginia Avenues (adds specified addresses only).

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - RESCIND
TOW-AWAY, NO STOPPING, 6 AM TO 10 AM AND 3 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Ulloa Street, north side, between Lenox Way and Wawona Street.

UNMETERED MOTORCYCLE PARKING, 10 AM to 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH
Geary Street, north side, from 59.5 feet to 77 feet east of Larkin Street, in front of 886 Geary Street (17.5-foot zone, accommodating five motorcycle spaces).

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
Natick Street, east side, from 126 feet to 135 feet south of Chenery Street (nine-foot portion of existing zone).

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
St. Charles Avenue, east side, between the County line and Niantic Avenue;
St. Charles Avenue, west side, between BART parking lot entrance (approximately 82 feet south of Niantic Avenue) and the County line;
Tennessee Street, east side, from 70 feet to 160 feet north of Cesar Chavez Street (90-foot zone); and
Ashbury Street, west side, from Downey Street to 15 feet northerly.

TOW-AWAY LANE MUST TURN RIGHT - RESCIND
6th Street, northbound at Bryant Street.

ONE HOUR PARKING, NOVEMBER TO MARCH, 9 AM - 6 PM, EXCEPT SUNDAY/APRIL TO OCTOBER, 9 AM - 10 PM, MONDAY THROUGH FRIDAY AND 9 AM - 6 PM, SATURDAY AND SUNDAY - RESCIND
PARKING METER AREA NO. 3 (ONE-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - EXTEND
2nd Street, east side, between King and Townsend Streets.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Wisconsin Street, west side, from 124 feet north of 23rd Street to Madera Street;
Minnesota Street, east side, from 18th Street to 200 feet southerly;
Minnesota Street, west side, from 19th to 20th Streets; and,
19th Street, north side, from Minnesota Street to 95 feet easterly.

ANGLED (60-DEGREE ANGLE) PARKING - ESTABLISH
Missouri Street, east side, from 23 feet to 134 feet north of Cesar Chavez Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
16th Street, south side, from 247 feet to 293 feet west of Potrero Avenue (46 foot zone).
Note: The Tow-Away restriction is being established to accommodate a DPW proposal to widen the sidewalk and install an automatic public toilet.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Taylor Street, west side, from 70 feet to 94 feet north of Clay Street (accommodating seven motorcycle spaces).

Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street. (Parking and Traffic Department)

(DPT Order No. 2508.)

Resolution No. 803-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Hall, Yee

021843 **[Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
11th Avenue, both sides, between Kirkham and Lawton Streets (1500 block). (Parking and Traffic Department)

(9/19/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2494.)

Resolution No. 812-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Hall, Yee

From Transportation and Commerce Committee "Without Recommendation"

021727 **[Authorization for the use of identification numbers in lieu of permit numbers for lawfully erected general advertising signs]**

Supervisor Gonzalez

Ordinance amending San Francisco Planning Code Chapter 6, Section 604.1(c), to modify the authority of the Director of the Planning Department to approve the use of identification numbers in lieu of the required permit numbers for general advertising signs, by deleting language that restricts the use of the substitute identification numbers to general advertising signs that existed at their current locations at the time of the Department's 1966 sign inventory.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Hall, Yee

SPECIAL ORDER 3:00 P.M.

021764 [Public Hearing - Appeal, Conditional Use, 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater)]

Hearing of persons interested in or objecting to the decision of the Planning Director by Motion No. 16468 dated October 10, 2002, received by the Clerk's Office on October 23, 2002, approving conditional use application No. 2001.1126C, subject to modifications, to merge 6 lots into one lot with a total area greater than 9,999 square feet pursuant to Planning Code Section 712.11; to allow the construction of 8 dwelling units without the required off-street parking pursuant to Section 161(j); to allow a large retail store (Walgreens Pharmacy) to occupy commercial space (10,000 gross square feet) on the ground floor and on a new mezzanine in excess of 5,999 square feet pursuant to Section 712.21 under Planning Department's modifications to proposed project; and adopting findings relating to the disapproval of a conditional use application to allow a large retail store (Walgreens Pharmacy) to occupy commercial space (12,800 gross square feet) on the ground floor and on a new mezzanine in excess of 5,999 square feet pursuant to Section 712.21 under the proposal submitted to the Department by the project sponsor. The project site is located in an NC-3 (Moderate-Scale Neighborhood Commercial) District and in a 65-X-Height and Bulk District, and in an RH-1 (Residential, One-Family) District in a 40-X Height and Bulk District on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), north side of Geneva Avenue, between Paris and London Streets; Lots 5-10 on Assessor's Block 6409.

(Appeal filed October 23, 2002; Final Negative Declaration adopted and issued June 13, 2002; Case No. 2001.1126C; companion measure to Files 021765, 021766, 021767, 021795; District 11.)

Supervisor Peskin previously excused from voting.

Joseph Breall, Project Sponsor, Appellant

Steve Currier, President Outer Mission Residents; support of project sponsor
Michael Yamauchi; support of project sponsor
Tiffany Nguyen, project sponsor
Lawrence Lee, project sponsor
Robert Grecco; support of project sponsor
Catherine Pacheco, Crocker Amazon Resident; support of project sponsor
Laura Stevens, Outer Mission resident; support of project sponsor
Karen Hemer, Outer Mission resident; support of project sponsor
Gene Cunningham, support of project sponsor
Wayne Hemer; support project sponsor
Dennis Chu, project sponsor
Project Architect; support of project sponsor
Sheila Pacheco; support of project sponsor

Gerald Green, Director of Planning Department reviewed the conditional use recommendation.

Kasey Yasberry; oppose project sponsor
Ed Nazdra, Owner of Daniel's Pharmacy; oppose project sponsor
Dan Pierini; oppose project sponsor
Ms. Nazdra, Owner of Daniel's Pharmacy; oppose project sponsor
Peter Lodi; oppose project sponsor
Dexter Mastiletti; oppose project sponsor
Abe Nazdra; oppose project sponsor
Mrs. Thyman; oppose project sponsor
John Ruby; oppose project sponsor

A rebuttal period was allowed.

The President declared the public hearing closed.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

021765 **[Appeal, Conditional Use, 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater)]**
Motion approving decision of the Planning Director by Motion No. 16468, approving Conditional Use Application No. 2001.1126C, on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), and adopting findings pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

TABLED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Hall
Excused: 1 - Peskin

021766 **[Zoning Appeal - Disapproving decision of Planning Director, conditional use appeal, 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater)]**
Motion disapproving decision of the Planning Director by Motion No. 16468, approving Conditional Use Application No. 2001.1126C, on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), and adopting findings pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Hall
Excused: 1 - Peskin

APPROVED AS AMENDED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Hall
Excused: 1 - Peskin

021767 **[Findings - 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater)]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2001.1126C, on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M02-195

APPROVED by the following vote:
Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Hall
Excused: 1 - Peskin

021795 **[Environmental Review]**

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of property at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), and adopting findings pursuant to Emergency Ordinance No. 186-02. (Clerk of the Board)

Motion No. M02-196

APPROVED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Hall
Excused: 1 - Peskin

COMMITTEE REPORTS

021510 **[General Advertising Sign Relocation]**
Supervisor Daly

Resolution authorizing Clear Channel Outdoor Inc. to seek conditional use authorization from the Planning Department to erect two, two-sided general advertising relocation signs measuring up to 14 feet wide by 48 feet high, and to install a non-illuminated "flipper box" at the general advertising sign located at 274 Brannan Street, in exchange for the elimination of the "message center" from the general advertising sign located at 274 Brannan Street and the removal of nine "8-sheet" general advertising signs in the City.

Resolution No. 802-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Hall, Yee

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megahed; general and homeless issues
Denise Diana; congratulating Supervisors Leno and Yee
Vernon Jenkins; congratulating Supervisors Leno and Yee
Tom McDonagh; alternative transportation methods
Lionel Stanford; congratulating Supervisors Leno and Yee and senior advocate issues
Edmond; election process, congratulating candidates, general issues
Shirley Burley, Sr. Network Action; congratulating Supervisor Mark Leno

Appointment of President Pro Tempore

At the request of the President, Supervisor McGoldrick assumed the Chair.
Supervisor Ammiano noted absent at 6:35 p.m.

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

021934 **[Legislative Analyst Request - Business Improvements Districts]**
Supervisor Newsom

Motion directing the Office of the Legislative Analyst to conduct research on Business Improvement Districts in the City and County of San Francisco and other jurisdictions nationwide.

Motion No. M02-199

APPROVED by the following vote:

Ayes: 8 - Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Ammiano, Hall, Yee

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021578 **[Anticipated Litigation - Comcast]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur with Television Signal Corporation and Comcast regarding compliance with the City's cable television franchise. (City Attorney)

This closed session would be permitted by Government Code Section 54956.9(b) and (c) and the San Francisco Administrative Code Section 67.10(d).
(10/15/02 Continued to November 12, 2002.)

Continued to December 9, 2002

CONTINUED by the following vote:

Ayes: 8 - Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Ammiano, Hall, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021923 **[Support LAFCo Future Work]**
Supervisor Gonzalez

Resolution requesting support of the Board of Supervisors for the Future Work Plan of the San Francisco Local Agency Formation Commission. (Clerk of the Board)

Supervisor Gonzalez requested to be added as sponsor.
Resolution No. 814-02
ADOPTED

021924 **[Urge DPT Pedestrian Countdown Signals]**
Supervisors Newsom, Daly, Sandoval

Resolution urging the Department of Parking and Traffic and the San Francisco County Transportation Authority to work in collaboration in order to secure new funding streams necessary to jointly contribute toward the long-term safety gains by installing pedestrian countdown signals at the remaining 500 signalized intersections in the City and County of San Francisco.

Supervisors Daly and Sandoval requested to be added as co-sponsors.
Resolution No. 819-02
ADOPTED

021925 **[Authorize Recreation and Park to accept grant of $1,500,00 for renovation of Helen Wills tennis courts]**
Supervisors Peskin, Sandoval

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the total amount of $1,500,000 in State grant funds under the Murray-Hayden Urban Parks and Youth Service Program, from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 for the renovation of the play area, clubhouse and tennis courts at the Helen Wills Playground.

Supervisor Sandoval requested to be added as a co-sponsor.
Resolution No. 800-02
ADOPTED

021926 **[City Attorney to investigate BAAQMD approved permit #2136]**
Supervisors Sandoval, Daly

Resolution requesting the City Attorney to investigate whether adequate public notice was provided by the Bay Area Air Quality Management District to the affected community regarding Permit Application #2136 for increasing fuel throughput at the Shell Oil gasoline station at 4298 Mission Street and requesting the City Attorney to take all appropriate steps to protect the City's interests, including possible filing of a timely administrative appeal regarding the issuance of the permit.

Resolution No. 820-02
ADOPTED

021927 [Authorize Recreation and Park to accept $773,150 for Holly Park Play Area]
Supervisors Ammiano, Sandoval

Resolution authorizing the Recreation and Park Department to accept and expend a grant in the total amount of $773,150 from the National Park Service under the Fiscal Year 2002 Urban Parks and Recreation Recovery Program for the renovation of the play area at Holly Park.

Supervisor Sandoval requested to be added as a co-sponsor.

Resolution No. 815-02
ADOPTED

021928 [Accept donation of 50 Neighborhood Electric Vehicles from Ford and 50 from Daimler Chrysler]
Supervisors Ammiano, Sandoval

Resolution accepting a donation of fifty (50) Neighborhood Electric Vehicles from Ford Motor Company and fifty (50) electric vehicles from Daimler Chrysler to be used for the continued implementation of the City's Healthy Air and Smog Prevention Ordinance (Administrative Code Chapter 85).

Supervisor Sandoval requested to be added as a co-sponsor.

Resolution No. 816-02
ADOPTED

021929 [Recognize Esther C. Blanchard]
Supervisors Maxwell, Sandoval

Resolution in recognition of Esther C. Blanchard for her commitment and dedication to her community and proclaiming Thursday, December 5, 2002 as Esther C. Blanchard Day in San Francisco.

Supervisor Sandoval requested to be added as a co-sponsor.

Resolution No. 817-02
ADOPTED

021930 [Commend Glynn Washington]
Supervisors Maxwell, Gonzalez, Daly, Sandoval

Resolution commending Glynn Washington, Administrator of the San Francisco Human Services Network, for the achievements of the San Francisco Human Services Network and for his service to our City.

Supervisors Gonzalez, Daly and Sandoval requested to be added as co-sponsors.

Resolution No. 818-02
ADOPTED

021910 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M02-198
APPROVED

021881 **[Final Map for a 16 Unit Residential Condominium Project]**

Motion approving Final Map of 1366 Turk Street, A Residential Condominium Project, being a subdivision of Lot 4 in Assessor's Block No. 749, and adopting findings pursuant to Planning Code Section 101.1.

(No Public Benefit Recipient; DPW Order No. 173,826; District 5.)

Motion No. M02-197
APPROVED

Supervisor Yee noted absent at 6:23 p.m.

The foregoing items were acted upon by the following vote:

Ayes: 8 - Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Ammiano, Hall, Yee

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021948 **[Repealing Police Code Section 162 - Regulating Fortunetellers]**
Supervisor Peskin

Ordinance repealing Section 162 of the San Francisco Police Code relating to advertising by fortunetellers; adding Sections 1300 to 1321 to the San Francisco Police Code requiring fortunetellers to obtain a permit, setting forth permit procedures, regulating business by prohibiting deceptive acts and requiring receipts, rate schedules, and identification cards, requiring permit number on advertisements, allowing license inspections, and setting forth the penalty for violations of these sections; and amending San Francisco Police Code Section 2.26 setting forth permit and filing fees.
11/25/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 12/25/2002.

021949 **[General Advertising Signs - Relocation Agreements]**
Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by adding Section 2.8 to establish a General Advertising Sign Relocation Procedure; amending the San Francisco Planning Code by amending Section 303 to establish criteria applicable to the Planning Commission's approval of general advertising sign relocation sites; amending the San Francisco Planning Code by amending Section 1111.7 to prohibit the relocation of new general advertising signs to Historic Districts or Conservation Districts regulated by Article II unless it is an historic sign authorized by Planning Code Section 608.14; adopting findings.
11/16/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 12/25/2002.

021950 **[Appropriation for legal services related to the appeal of the Director of Elections and professional services related to setting of the Board of Supervisor's salaries]**
Mayor

Ordinance appropriating $150,000 for legal services associated with the appeal of the Director of Elections and $10,000 for professional services related to setting the Board of Supervisors' salaries for the Civil Service Commission for fiscal year 2002-03.

(Public Benefit Recipient.)
11/25/02, RECEIVED AND ASSIGNED to Finance Committee.

Resolutions

021951 **[Establishing Multi-disciplinary Task Force on Childhood Obesity]**
Supervisor Maxwell

Resolution establishing a multi-disciplinary task force on childhood obesity and related diabetes.
11/26/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021952 **[Urge Congress to extend unemployment benefits to jobless]**
Supervisors McGoldrick, Gonzalez, Peskin, Daly

Resolution urging Congress to extend unemployment benefits to jobless individuals who qualify.
11/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021953 **[Urge Bay Area Air Quality Management District to provide translation services]**
Supervisors Sandoval, Gonzalez

Resolution urging the Bay Area Air Quality Management District ("BAAQMD") to make communications accessible to affected community members with limited English proficiency to ensure that all members of the affected community can participate in the decision-making process; and urging members of the Board of Supervisors who also sit on the BAAQMD Board of Directors to promote and support the adoption of rules, policies and practices that mandate language assistance.
11/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021954 **[Urge City Attorney to join federal lawsuit in support of non-citizen airport screeners]**
Supervisors Sandoval, Gonzalez, Daly, Peskin, Newsom, Yee, Ammiano, McGoldrick

Resolution urging the City Attorney of the City and County of San Francisco to join the federal lawsuit filed by the American Civil Liberties Union and Service Employees International Union 790 on behalf of 5 airport screeners at San Francisco International Airport challenging the constitutionality of Aviation Security Bill, S. 1447.
11/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021955 **[Extend City Contracting Task Force]**
Supervisor Maxwell

Resolution extending the City Contracting Task Force Timeline to July 1, 2003.
11/25/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021956 **[Authorize Issuance and Sale of Multifamily Housing Revenue Bonds for Robinson Affordable Housing, Inc. Project at 1340 Hudson Avenue]**
Supervisors Maxwell, Daly

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by California Statewide Communities Development Authority in an aggregate principal amount not to exceed $22,000,000 for Robinson Affordable Housing, Inc. or an affiliate.
11/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021957 **[Urge California Department of Industrial Relations to protect rights of messengers]**
Supervisors Daly, Gonzalez, McGoldrick

Resolution urging the California Department of Industrial Relations to enforce state employment law in the messenger industry to protect rights of messengers.
11/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021958 **[Urge Federal government to participate in funding of the seismic upgrade for the Old Mint]**
Supervisors Daly, Peskin, Ammiano, Newsom, Maxwell, Sandoval, McGoldrick

Resolution urging the Federal government to participate in funding of the seismic upgrade and restoration program for the Old Mint by appropriating $10 million over the next three years, and also urging the California State Legislature to appropriate a comparable amount of $10 million from Proposition 40 funds to further its restoration.
11/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021959 **[Commend Kimberley M. Knox]**
Supervisors Hall, Gonzalez, Peskin, Newsom

Resolution commending Kimberley M. Knox for her efforts in coordinating the recent Nature by Design Environmental Trade show and promoting environmental awareness.
11/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021960 **[Commend Alison Mickels]**
Supervisors Maxwell, Gonzalez

Resolution commending Alison Mickels for her efforts at the recent Nature by Design Environmental Trade Show.
11/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

021961 **[Commend Somarts]**
Supervisors Daly, Peskin

Resolution commending Somarts for its contribution to the City and County of San Francisco.
11/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

021962 **[Planning Department's Demolition Policy]**
Supervisor McGoldrick

Hearing to discuss Planning Department's demolition policy regarding sound affordable housing.
11/26/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021963 **[Relationship between SFPD and SFUSD]**
Supervisor Ammiano

Hearing on the relationship between San Francisco Police Department and the San Francisco Unified School District.
11/25/02, RECEIVED AND ASSIGNED to City and School District Committee.

021964 **[Incident Involving Off-duty S.F. Police Officers]**
Supervisor Ammiano

Hearing on the recent incident involving off-duty San Francisco Police Officers.
11/25/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021977 **[Golden Gate Park Stables Working Group Report.]**
Supervisor Hall

Hearing to receive a status report from the Golden Gate Park Stables Working Group.
11/25/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

Motions

021965 **[Legislative Analyst Request]**
Supervisor Gonzalez

Motion asking the Legislative Analyst to prepare a survey of human resource departments in other cities and/or counties which use "position-control" system to track the number of vacant positions and the duration of vacancies. The survey should include, but not limited to, the effect of "position-control" on filling vacant positions and preventing the transfer of salary appropriations for other uses.
11/25/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration December 9, 2002.

PROPOSED RESOLUTIONS

021839 **[Redevelopment Agency Budget Amendment for Fiscal Year 2002-2003]**
Resolution approving an amendment to the Budget of the Redevelopment Agency of the City and County of San Francisco for Fiscal Year 2002-2003 by increasing the Agency's expenditure authority in an amount not to exceed $43,100,000; authorizing the Agency's issuance of Tax Allocation Bonds, in one or more series, each in either Variable Rate or Fixed Rate Mode, in an amount not to exceed $43,100,000; authorizing the Agency's receipt of additional Tax Increment necessary to repay the principal and interest on said bonds; and approving a Cooperation and Tax Increment Reimbursement Agreement with the Agency with respect to the Yerba Buena Center Redevelopment Project Area. (Redevelopment Agency)
11/14/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the December 4, 2002 meeting.

021840 **[Promote mental health, reduce youth violence and substance abuse in the Mission District/Bayview Hunters Point]**
Supervisors Daly, Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new federal grant in the amount of $100,000 from the Department of Justice Drug-Free Communities Support Program (DOJ) for the YouthPOWER 2 project and to enter into an agreement for the use of these funds; for the period of October 1, 2002 to September 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)
11/15/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021841 **[Behavioral Health Treatment for Homeless]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively $599,769 for the first year of a three year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) to provide behavioral health services for formerly homeless persons living at supportive housing sites in San Francisco and to enter into an agreement for the use of these funds; for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(Public Benefit Recipient.)
11/15/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021876 **[Real Property Lease Option]**
Resolution authorizing the exercise of an extension option at 875 Stevenson Street for various City departments. (Real Estate Department)

(Fiscal impact; No Public Benefit Recipient.)
11/19/02, RECEIVED AND ASSIGNED to Finance Committee.

021877 **[Amendment to the Operating Agreement for the Moscone Convention Center]**

Resolution authorizing the Director of Convention Facilities to execute an amendment to the operating agreement increasing the agreement from $15,015,100.00 to $15,844,209.00. (Administrative Services Department)

(Fiscal impact; Public Benefit Recipient.)

11/20/02, RECEIVED AND ASSIGNED to Finance Committee.

021878 **[Lease of City Owned Real Property]**

Resolution authorizing the lease of 2,686 sq. ft. of space at the Main Library to the Friends and Foundation of the San Francisco Public Library. (Real Estate Department)

(Public Benefit Recipient.)

11/20/02, RECEIVED AND ASSIGNED to Finance Committee.

021879 **[Official Advertising]**

Resolution designating the San Francisco Independent to be the official newspaper of the City and County of San Francisco for the category of non-consecutive day official advertising, for the period commencing January 1, 2003 and ending June 30, 2003. (Purchaser)

(Public Benefit Recipient.)

11/20/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the December 4, 2002 meeting.

021880 **[Accept - Expend State Grant]**

Resolution authorizing the Executive Director to apply for, accept, and expend matching grant funds from the CEC Energy Efficiency Program to install Battery Back-Up Systems (BBS) at signalized intersections with Light Emitting Diode (LED) traffic signal modules at 91 intersections throughout the City. (Parking and Traffic Department)

(No Public Benefit Recipient.)

11/20/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021882 **[Lease of City Owned Real Property]**

Resolution authorizing the lease of 387 sq. ft. of space at the Main Library to the Friends and Foundation of the San Francisco Public Library for the operation of a bookstore. (Real Estate Department)

(Public Benefit Recipient.)

11/20/02, RECEIVED AND ASSIGNED to Finance Committee.

021883 **[Accept-Expend Non-Profit Grant]**

Resolution authorizing the Department of Human Resources to accept and expend a grant in the amount of $25,000 from the Cooperative Personnel Services (CPS) and International Personnel Management Association (IPMA) for the implementation and utilization of innovative human resources program, "The Link Project". (Human Resources Department)

(No Public Benefit Recipient.)

11/18/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

Requests Granted

From: Supervisor McGoldrick
To: City Attorney
Requesting/Inquiring: To draft legislation that creates enforcement of the Planning Department's policy against demolition of sound housing.

From: Supervisor Peskin
To: Director, Department of Parking and Traffic
To: Chief, Police Department
Requesting/Inquiring: To report on the departments' ability to access and disseminate data on stolen vehicles. A constituent at a recent public meeting in Supervisor Peskin's district raised this general issue. In short, cars that are stolen may be issued a series of parking citations. Despite the fact that these stolen cars receive citations, they are difficult to locate and recover. Furthermore, once these cars are recovered, the rightful owners must complete an arduous bureaucratic process to nullify these citations. Can data sharing between the Department of Parking and Traffic and the Police Department allow for owners to recover vehicles more quickly and avoid complications associated with having citations nullified?
Please consider this issue, review the following constituent letter, and respond as soon as possible.

From: Supervisor Sandoval
To: City Librarian, Public Library
Requesting/Inquiring: To research the possibility of finding a temporary site for the Excelsior Branch Library while it is being renovated.

From: Supervisor Sandoval
To: City Attorney
Requesting/Inquiring: To draft legislation amending Section 790 of the Planning Code to establish a definition for "neighborhood serving youth retail."

From: Supervisor Sandoval
To: Director, Department of Parking and Traffic
Requesting/Inquiring: To explore the feasibility of posting "No Turn on Red" signs at the intersection of Mission Street and Lowell and Mission Street and Naglee.
Also, requesting that both a copy of this letter and its response be sent to the following address:
Carmina Espirtu
5604 Mission Street, #2
San Francisco, CA 94112

From: Supervisor Daly
To: City Attorney
Requesting/Inquiring: To draft an ordinance based on File Number 021458 that excludes any member of the Board of Supervisors from financially benefiting as a result of the ordinance.

From: Supervisor Ammiano
To: Director, Human Rights Commission
Requesting/Inquiring: To conduct a hearing on homophobia in sport franchises and make recommendations to the Board of Supervisors.

ADJOURNMENT

There being no further business, the Board at the hour of 6:42 p.m.adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on December 16, 2002.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Monday, December 9, 2002 2:00 PM

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Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL,
SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Board of Supervisors	2:00 PM
Budget Committee Supervisors Maxwell, Peskin, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1st and 3rd Tuesday 1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 46

Members Present: Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:01 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Gonzalez, McGoldrick, Sandoval - 3

Quorum present.

Supervisors Sandoval was noted present at 2:02 p.m.
Supervisor Gonzalez was noted present at 2:03 p.m.
Supervisor McGoldrick was noted present at 2:04 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Peskin, seconded by Supervisor Newsom, moved to approve November 12, 2002 and November 19, 2002 Meeting Minutes. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Hall, Maxwell, Newsom, Peskin
Absent: 3 - Gonzalez, McGoldrick, Sandoval

AGENDA CHANGES

The Clerk of the Board informed the Board that File Nos. 021935 and 021917 may be continued.

COMMUNICATIONS

There were none.

SPECIAL ORDER 2:00 P.M.

021968 **[Second Annual Youth Recognition Day]**

Second Annual Youth Recognition Day Presentation. (Clerk of the Board)

Victor Lim (Supervisor Peskin)
Laura Melgarejo (Supervisor Ammiano)
Sam Soun (Supervisor Daly)
Dionne Spencer (Supervisor Gonzalez)
Jennifer Nedeau (Supervisor Hall)
Farah Khalil (Supervisor Maxwell)
Yana Morgulis (Supervisor McGoldrick)
Edward Elliott (Supervisor Newsom)
Helen Qi Hao Xu (Supervisor Ammiano for Assemblyman Yee)
Tracy Sarmiento (Supervisor Sandoval)

Speakers:
Commissioner Jill Wynns, President of SF Board of Education
Father Anthony Sauer, President SI
FILED.

CONSENT AGENDA

Recommendation of the Finance Committee

021836 **[Contracting out Status Offender Shelter and Intake Services]**
Supervisor Gonzalez

Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by private contractor for lower cost than similar services performed by city and county employees. (Juvenile Probation Department)

(Fiscal impact; Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.
Resolution No. 826-02
ADOPTED

Recommendations of the Health and Human Services Committee

021798 **[Integrated and innovative uses of surveillance data for sexually transmitted diseases]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new three year grant in the amount of $160,000 for the first year from the Centers for Disease Control and Prevention (CDC) to identify and develop integrated and innovative uses of surveillance data for sexually transmitted diseases and to enter into an agreement for the use of these funds; for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(No fiscal impact; No Public Benefit Recipient.)

Resolution No. 824-02
ADOPTED

021809 **[HIV/AIDS confidential counseling and testing services in family planning agency clinics]**
Supervisor Leno

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $186,000 from the California Family Health Council, Inc. (CFHC), to enhance and expand HIV/AIDS confidential counseling and testing services in family planning agency clinics and to enter into an agreement for the use of these funds; for the period of September 1, 2002, through August 31, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 825-02
ADOPTED

Recommendations of the Rules and Audits Committee

021829 **[Settlement of Lawsuit]**
Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Nonprofits' Insurance Alliance of California for receipt of an aggregate amount of $26,380.14 from Nonprofits' Insurance Alliance of California; the City and County of San Francisco filed the lawsuit on March 29, 2002 in San Francisco Superior Court (Case No. 406-211). (City Attorney)

(No Public Benefit Recipient.)

PASSED, ON FIRST READING

021946 **[Appointment]**
Resolution appointing Benson Nadell and Dorothy Kerr, terms ending on September 30, 2005, to the Adult Day Health Care Planning Council, residency requirement waived.

Benson Nadell (residency requirement waived), succeeding Ruth Morales, term expired, seat 8, must represent a person over 55 years of age who has a demonstrated interest in the special health and social needs of the elderly and who is a representative of organizations dedicated primarily to the needs of older persons, including those of low income and racial and ethnic minorities, for the unexpired portion of a 3-year term ending September 30, 2005;
Dorothy Kerr, succeeding Joan Slaughter, term expired, seat 9, must represent a person over 55 years of age who has a demonstrated interest in the special health and social needs of the elderly and who is a representative of organizations dedicated primarily to the needs of older persons, including those of low income and racial and ethnic minorities, for the unexpired portion of a 3-year term ending September 30, 2005.

Resolution No. 831-02
ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 6 - Ammiano, Daly, Gonzalez, Maxwell, Newsom, Peskin
Absent: 3 - Hall, McGoldrick, Sandoval

Severed From the Consent Agenda

Supervisor Gonzalez requested that this matter be severed so it could be considered separately.

021723 [Appointment]
Supervisor Gonzalez

Resolution appointing Karin Hu, Joan Roughgarden, Edward Conner, Carol Arnold, Paul Castleman, Charlotte Hill, Mary McAllister, Jack Laws, Matthew Sniffen, and Patrick Skain, terms ending December 1, 2003 to the Citizens Advisory Committee for Natural Areas Program (NAPCAC).

Karin Hu, new position, seat 1, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Joan Roughgarden, new position, seat 2, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Edward Conner, new position, seat 3, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Carol Arnold, new position, seat 4, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Paul Castleman, new position, seat 5, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Charlotte Hill, new position, seat 6, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Mary McAllister, new position, seat 7, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Jack Laws, new position, seat 8, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Matthew Sniffen, new position, seat 9, must be appointed at large. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Patrick Skain, new position, seat 10, must be appointed at large. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

Continued to December 16, 2002

Supervisor Gonzalez, seconded by Supervisor Newsom, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Maxwell, Newsom, Peskin
Absent: 3 - Hall, McGoldrick, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

Supervisor Hall Excused From Voting

Supervisor Gonzalez, seconded by Supervisor McGoldrick, moved to excuse Supervisor Hall from voting on this matter. The motion carried by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Maxwell, Newsom, Sandoval
Absent: 1 - McGoldrick
Excused: 2 - Hall, Peskin

021969 **[Adopting findings related to the conditional use appeal on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater)]**

Motion adopting findings related to the appeal of the Planning Director's approval of Conditional Use Application No. 2001.1126C, which approved the merger of six lots into one lot with a total area greater than 9,999 square feet pursuant to Planning Code Section 712.11, allowed the construction of eight dwelling units without the required off-street parking pursuant to Section 161(j), allowed a large retail store (Walgreens Pharmacy) to occupy commercial space (10,000 gross square feet) on the ground floor and on a new mezzanine in excess of 5,999 square feet pursuant to Section 712.21 under Planning Department's modification to the proposed project, in an NC-3 (Moderate Scale Neighborhood Commercial) District and in a 65-X Height and Bulk District, and in an RH-1 (Residential, One-Family) District in a 40-X height and Bulk District on property located at 965-985 Geneva Avenue and 852 Paris Street (aka Apollo Theater), north side of Geneva Avenue, between Paris and London Streets (Lots 5-10 on Assessor's Block 6409). (Clerk of the Board)

(Companion measure to Files 021764, 021765, 021766, 021767, 021795.)

(11/18/02 - Supervisor Peskin previously excused from voting.)

Motion No. M02-201

APPROVED by the following vote:

Ayes: 6 - Ammiano, Daly, Gonzalez, Maxwell, Newsom, Sandoval
Absent: 1 - McGoldrick
Excused: 2 - Hall, Peskin

Recommendations of the Finance Committee

021502 **[Requiring the Mayor to submit budget estimates, proposed budgets and revenue estimates for selected departments by the first working day of May]**
Supervisors McGoldrick, Daly, Gonzalez, Peskin

Ordinance amending Administrative Code Section 3.3 to eliminate the requirement that the Mayor submit a preliminary budget to the Board of Supervisors, and requiring the Mayor submit budget estimates, proposed budgets and detailed estimates of revenues for selected departments by the first working day of May, and the complete City budget by the first working day of June.

Supervisor Peskin requested to be added as a co-sponsor.

Ordinance No. 240-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

021892 **[Appropriation for Consolidation of Administrative Offices]**
Mayor

Ordinance appropriating $2,490,343 from fund balance for consolidation of administrative offices of the San Francisco Public Utilities Commission for fiscal year 2002-03. (Mayor)

(No Public Benefit Recipient; companion measure to File 021897.)

Ordinance No. 235-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Public Works and Public Protection Committee

021827 **[Changing Official Width of Sidewalk]**
Supervisor Gonzalez

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1556 to change the official sidewalk width on a portion of 16th Street, 246.71 feet southwest of Potrero Avenue; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 233-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

021828 **[Changing Official Width of Sidewalk]**
Supervisor Gonzalez

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1557 to change the official sidewalk width on the northwest side of Treat Avenue between Alameda and Florida Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 234-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the Transportation and Commerce Committee

021643 [Electric Personal Assistive Mobility Devices (Segway)]
Supervisors Daly, Peskin, Ammiano, McGoldrick, Gonzalez, Maxwell

Ordinance amending the San Francisco Traffic Code by banning the operation of electric personal assistive mobility devices (Segway) on all sidewalks in the City and County of San Francisco and in public transit stations and public transit vehicles.

Supervisor Maxwell requested to be added as a co-sponsor.
Continued to December 16, 2002

Supervisor Peskin, seconded by Supervisor Newsom, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

From Transportation and Commerce Committee "Without Recommendation"

021727 [Authorization for the use of identification numbers in lieu of permit numbers for lawfully erected general advertising signs]
Supervisor Gonzalez

Ordinance amending San Francisco Planning Code Chapter 6, Section 604.1(c), to modify the authority of the Director of the Planning Department to approve the use of identification numbers in lieu of the required permit numbers for general advertising signs, by deleting language that restricts the use of the substitute identification numbers to general advertising signs that existed at their current locations at the time of the Department's 1966 sign inventory.

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 232-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Finance Committee

020663 **[Extension of Sunset Clause - Utilization of Bid/RFP Process for Awarding of Parking Authority Leases and Management Contracts]**

Supervisor Gonzalez

Ordinance amending Section 17.11 (a) of the San Francisco Administrative Code to extend the authorization of the Parking Authority and the Municipal Transportation Agency to utilize a Bid/RFP process for the awarding of all leases and management agreements for the use or operation of parking facilities; the Department shall report to the Board by June 1, 2003, on the development and use of performance measures. (Parking and Traffic Department)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

021339 **[Financial Information Privacy]**

Supervisors Peskin, Daly, Maxwell, McGoldrick, Gonzalez

Ordinance amending the San Francisco Business and Tax Regulations Code to enact a new Article 20 to provide for the protection of private financial information.

Supervisors Maxwell and McGoldrick requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Hall

021879 **[Official Advertising]**

Resolution designating the San Francisco Independent to be the official newspaper of the City and County of San Francisco for the category of non-consecutive day official advertising, for the period commencing January 1, 2003 and ending June 30, 2003. (Purchaser)

(Public Benefit Recipient.)

Resolution No. 828-02

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin
Noes: 1 - Daly
Absent: 1 - Sandoval

021796 **[Port Security Services Civil Service Exclusion]**

Resolution approving the Controller's certification that Port Area Security Services for the Port of San Francisco can be practically performed by a private contractor at a lower cost than if the work were performed by City employees at budgeted levels. (Port)

(Fiscal impact; No Public Benefit Recipient.)

Resolution No. 823-02

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin
Absent: 1 - Sandoval

021894 **[Multifamily Housing Revenue Bonds - Carter Terrace]**

Supervisors Maxwell, Daly

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed $17,000,000 for the purpose of providing financing for a multifamily rental housing project; approving the form of and authorizing the execution of an indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a bond purchase contract providing the terms and conditions for the sale of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of an intercreditor agreement; approving the form of and authorizing the preparation and distribution of an official statement relating to the bonds; making low income housing findings; ratifying and approving any action heretofore taken in connection with the bonds and the project; approving and authorizing the execution and delivery of any document necessary to implement this resolution; and related matters.

(Public Benefit Recipient.)

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 822-02

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin
Absent: 1 - Sandoval

021893 [Settlement of Lawsuit]
Supervisors Maxwell, McGoldrick

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against the Williams Energy Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been consolidated as Wholesale Electricity Antitrust Cases I & II in the United States District Court, Southern District of California, Case Nos. 02 CV 0990-RHW, CV 02-1000-RHW, 02 CV-1001 RHW; which settlement provides a modification of the long-term contracts between the State of California and Williams, transfer to the City and County of San Francisco of four electric generating turbines for use within the City, payment of approximately $19 million to assist with siting and developing electric generating equipment in San Francisco and elsewhere; and payment to City and County of San Francisco of $500,000 for attorney's fees and other expenses of litigation.

(No Public Benefit Recipient.)

Continued to December 16, 2002 in Closed Session

Supervisor McGoldrick requested to be added as a co-sponsor.

Supervisor Gonzalez, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

021916 [Power Purchase Agreement]
Supervisors Maxwell, McGoldrick, Peskin

Resolution approving a power purchase agreement with the California Department of Water Resources.

Supervisors Peskin and McGoldrick requested to be added as co-sponsors.

Resolution No. 830-02

ADOPTED by the following vote:

Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Gonzalez, Hall
Absent: 1 - Newsom

Recommendations of the Health and Human Services Committee

021645 [Pet Guardian - Definition and Duties]
Supervisors Gonzalez, Daly, Maxwell

Ordinance amending Part II, Chapter V, Article 1 of the San Francisco Municipal Code (Health Code) by amending Section 41, to add the definition of "Guardian", and amending Sections 41.4, 41.5.1, 41.6, 41.7, 41.8, 41.10, 41.11, 41.12, 41.16, 41.19, 41.20, 41.22, 41.24, 42.2, and 42.3 to add the term "Guardian" where the term "Owner" is referenced.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Daly, Gonzalez, Hall, Maxwell, McGoldrick, Sandoval
Noes: 3 - Ammiano, Newsom, Peskin

021858 [Electricity Resource Plan]
Supervisors Maxwell, Ammiano, Leno, Peskin, Daly, McGoldrick

Resolution endorsing the electricity resource plan for San Francisco.

Supervisor McGoldrick requested to be added as a co-sponsor.

Resolution No. 827-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the Public Works and Public Protection Committee

021814 [Repealing local assault weapons prohibition]
Supervisors Gonzalez, Peskin, Maxwell

Ordinance repealing Article 35A of the City and County of San Francisco Police Code, relating to the possession, sale, or transfer of assault weapons, in light of subsequent legislation by the State of California to regulate the possession, sale, transfer, manufacture, importation, distribution, and transportation of assault weapons.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the Rules and Audits Committee

021895 [Canceling January 6, 2003 Board of Supervisors Meeting]

Resolution canceling the Monday, January 6, 2003, meeting of the Board of Supervisors.

Resolution No. 829-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

021872 **[Public Hearing - Conditional Use Appeal, 2444-2454 Noriega Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16471 dated October 17, 2002, approving Conditional Use Application No. 2002.0736C pursuant to Section 711.83 of the Planning Code, to allow the installation of three antennas within a rooftop mounted cylinder radome, one GPS antenna mounted to the roof, and install four associated equipment cabinets within the ground floor storage room of the one-story commercial building at 2444-2454 Noriega Street, as part of a wireless telecommunications network operated by Metro PCS located in a NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District on property located at 2444-2454 Noriega Street; north side of the street between 31st and 32nd Avenues; Lot 004F, in Assessor's Block 2018.

(Appeal filed November 15, 2002; categorically exempt from the environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to Files 021873, 021874, 021875; District 4.)

Ruby Chung, Appellant

Male Speaker; support of appellant
Female Speaker; support of appellant
Male Speaker; support of appellant
Male Speaker; support of appellant
Female Speaker; support of appellant
Male Speaker; support of appellant
Stephen Lee; support of appellant
Betty Tom; support of appellant
Gina Lee; support of appellant
Meghan Sullivan; support of appellant
Female Speaker; support of appellant
Sam Mizra; support of appellant
Doug Haringer; support of appellant
Male Speaker; support of appellant
Mark Longwood; support of appellant
Douglas Chan; support of appellant

Gerald Green, Director of Planning Department reviewed the conditional use recommendation.

Mr. Graves, General Manager, Metro PCS, Project Sponsor
Lisa Nahmanson, Zoning Manager, Whalen & Company
Allison Matthew; support project sponsor

A rebuttal period was allowed.

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

From the Clerk

(Only one of the following two motions should be adopted.)

021873 **[Conditional Use Appeal, 2444-2454 Noriega Street]**

Motion approving decision of the Planning Commission by its Motion No. 16471, approving Conditional Use Application No. 2002.0736C, on property located at 2444-2454 Noriega Street, north side of the street between 31st and 32nd Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to January 13, 2003 meeting

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

021874 **[Conditional Use Appeal, 2444-2454 Noriega Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16471, approving Conditional Use Application No. 2002.0736C, on property located at 2444-2454 Noriega Street, north side of the street between 31st and 32nd Avenues, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to January 13, 2003 meeting

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

021875 **[Findings - 2444-2454 Noriega Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0736C, on property located at 2444-2454 Noriega Street, north side of the street between 31st and 32nd Avenues, for action by the Board at its next meeting. (Clerk of the Board)

Continued to January 13, 2003 meeting

Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Note: The President intends to entertain a motion to continue consideration of Items 30 and 31 to December 16, 2002 at 3:00 P.M. due to notification requirements.)

021935 **[Hearing - Acquisition of Property by Eminent Domain]**

Hearing of persons interested in or objecting to proposed resolution authorizing the acquisition of portions of Lot 24 in Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue by eminent domain, for the construction of a substation for the Third Street Light Rail Project. (Clerk of the Board)

(Companion measure to Files 021904, 021917.)

Continued to December 16, 2002

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin
Absent: 1 - Sandoval

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

Committee of the Whole Rise and Report Without Recommendation

021917 **[Acquisition of Property by Eminent Domain]**
Supervisor Maxwell

Resolution authorizing the acquisition of portions of Lot 24 in Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue, by eminent domain, for the construction of a substation for the Third Street Light Rail Project.

(Fiscal impact.)

Continued to December 16, 2002

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin
Absent: 1 - Sandoval

ROLL CALL FOR INTRODUCTIONS

Appointment of President Pro Tempore

At the request of the President, Supervisor McGoldrick assumed the Chair.

PUBLIC COMMENT

Megahed Abdulla; general issues
Bob Planthold; pedestrian safety issues
Male Speaker; police issues
Steven Chester; police towing issues
James Chaffe; SF Library issues
Philip Powell, Youth Commissioner; appreciation of Youth Recognition Day
William Mattamoore, Youth Commissioner; Police in Schools Hearing
Martha Bridgom; treatment of vehicular housed individuals
Thomas Hobby; treatment of vehicular housed individuals

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

021965 **[Legislative Analyst Request]**
Supervisor Gonzalez

Motion asking the Legislative Analyst to prepare a survey of human resource departments in other cities and/or counties which use "position-control" system to track the number of vacant positions and the duration of vacancies. The survey should include, but not limited to, the effect of "position-control" on filling vacant positions and preventing the transfer of salary appropriations for other uses.

APPROVED by the following vote:
Ayes: 8 - Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff or Defendant

021578 **[Anticipated Litigation - Comcast]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff or defendant) which may occur with Television Signal Corporation and Comcast regarding compliance with the City's cable television franchise. (City Attorney)

This closed session would be permitted by Government Code Section 54956.9(b) and (c) and the San Francisco Administrative Code Section 67.10(d).
(10/15/02 Continued to November 12, 2002.)

Supervisor Maxwell, seconded by Supervisor Daly, moved to convene in closed session. The motion carried by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

Recess

The Board recessed at the hour of 5:43 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 6:29 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, - 8

Quorum present.

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance:
Supervisors Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Ted Lakey, Deputy City Attorney;
Lisa Gelb, Deputy City Attorney;
William Sanders, Deputy City Attorney;
Brian Roberts, Principal Policy Analyst, DTIS;
Lewis Loeven, Director, DTIS;
Denise Brady, Deputy Director, DTIS;
Edward Harrington, Controller;
Gloria L. Young, Clerk of the Board;
Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor Maxwell, seconded by Supervisor Peskin, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 8 - Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

021952 [Urge Congress to extend unemployment benefits to jobless]
Supervisors McGoldrick, Gonzalez, Peskin, Daly

Resolution urging Congress to extend unemployment benefits to jobless individuals who qualify.

Supervisors Gonzalez, Peskin and Daly requested to be added as co-sponsors.

Resolution No. 832-02
ADOPTED

021953 [Urge Bay Area Air Quality Management District to provide translation services]
Supervisors Sandoval, Gonzalez

Resolution urging the Bay Area Air Quality Management District ("BAAQMD") to make communications accessible to affected community members with limited English proficiency to ensure that all members of the affected community can participate in the decision-making process; and urging members of the Board of Supervisors who also sit on the BAAQMD Board of Directors to promote and support the adoption of rules, policies and practices that mandate language assistance.

Supervisor Gonzalez requested to be added as a co-sponsor.

Resolution No. 833-02
ADOPTED

021954 [Urge City Attorney to join federal lawsuit in support of non-citizen airport screeners]
Supervisors Sandoval, Gonzalez, Daly, Peskin, Newsom, Yee, Ammiano, McGoldrick

Resolution urging the City Attorney of the City and County of San Francisco to join the federal lawsuit filed by the American Civil Liberties Union and Service Employees International Union 790 on behalf of 5 airport screeners at San Francisco International Airport challenging the constitutionality of Aviation Security Bill, S. 1447.

Resolution No. 834-02
ADOPTED

021955 [Extend City Contracting Task Force]
Supervisor Maxwell

Resolution extending the City Contracting Task Force Timeline to July 1, 2003.

Resolution No. 835-02
ADOPTED

021956 **[Authorize Issuance and Sale of Multifamily Housing Revenue Bonds for Robinson Affordable Housing, Inc. Project at 1340 Hudson Avenue]**
Supervisors Maxwell, Daly

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by California Statewide Communities Development Authority in an aggregate principal amount not to exceed $22,000,000 for Robinson Affordable Housing, Inc. or an affiliate.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 821-02
ADOPTED

021957 **[Urge California Department of Industrial Relations to protect rights of messengers]**
Supervisors Daly, Gonzalez, McGoldrick

Resolution urging the California Department of Industrial Relations to enforce state employment law in the messenger industry to protect rights of messengers.

Supervisors Gonzalez and McGoldrick requested to be added as co-sponsors.

Resolution No. 836-02
ADOPTED

021958 **[Urge Federal government to participate in funding of the seismic upgrade for the Old Mint]**
Supervisors Daly, Peskin, Ammiano, Newsom, Maxwell, Sandoval, McGoldrick

Resolution urging the Federal government to participate in funding of the seismic upgrade and restoration program for the Old Mint by appropriating $10 million over the next three years, and also urging the California State Legislature to appropriate a comparable amount of $10 million from Proposition 40 funds to further its restoration.

Resolution No. 837-02
ADOPTED

021959 **[Commend Kimberley M. Knox]**
Supervisors Hall, Gonzalez, Peskin, Newsom

Resolution commending Kimberley M. Knox for her efforts in coordinating the recent Nature by Design Environmental Trade show and promoting environmental awareness.

Supervisors Gonzalez, Peskin and Newsom requested to be added as co-sponsors.

Resolution No. 838-02
ADOPTED

021960 **[Commend Alison Mickels]**
Supervisors Maxwell, Gonzalez

Resolution commending Alison Mickels for her efforts at the recent Nature by Design Environmental Trade Show.

Supervisor Gonzalez requested to be added as a co-sponsor.

Resolution No. 839-02
ADOPTED

021961 **[Commend Somarts]**
Supervisors Daly, Peskin

Resolution commending Somarts for its contribution to the City and County of San Francisco.

Resolution No. 840-02
ADOPTED

021972 **[Declaration of November 5, 2002 Election Results]**
Supervisor Ammiano

Resolution declaring the results of the November 5, 2002 Consolidated General Election.

Resolution No. 841-02
ADOPTED

021970 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program. (Clerk of the Board)

Motion No. M02-202
APPROVED

The foregoing items were acted upon by the following vote:
Ayes: 8 - Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

021995 **[Revising administration of Police Emergency Alarm Ordinance]**
Mayor

Ordinance amending the San Francisco Police Code by amending Sections 3702, 3707 through 3710, and 3711 through 3720, by adding Sections 3710.1 through 3710.9 and a new Section 3721, and by re-numbering current Section 3721 as Section 3722, to give the Director of Emergency Communications responsibility for administering the substantive provisions of the Police Emergency Alarm Ordinance and to provide for billing and collection of license and license renewal fees by alarm companies. (Mayor)
12/9/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 1/8/2003.

021996 [Voter Information Pamphlet Amendments]
Supervisor Gonzalez

Ordinance amending sections 500, 530 and 550 of the San Francisco Municipal Elections Code to require the Director of Elections to publish in the Voter Information Pamphlet: (1) a description of every elector's right to seek a writ of mandate or an injunction requiring any or all of the materials in the Voter Information Pamphlet to be amended or deleted, and (2) a disclaimer at the beginning of each ballot measure argument and rebuttal authorized by the Board of Supervisors explaining which members of the Board of Supervisors endorse, oppose or have taken no position on the measure; and to clarify that when the Board of Supervisors authorizes a member or members of that body to submit a ballot measure argument or rebuttal, it shall do so by motion, and it need not take any further action, including voting on or otherwise approving the actual text of the argument or rebuttal.
12/9/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 1/8/2003.

021997 [Authorizing the transfer of Institutional Police from the Department of Public Health to the Sheriff]
Supervisor Peskin

Ordinance amending the Administrative Code by adding a new Section 1.59 to authorize the transfer of the Institutional Police Department from the Department of Public Health to the Sheriff.

(Fiscal impact.)
12/9/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 1/8/2003.

021338 [Third Street Alcohol Restricted Use District]
Supervisor Maxwell

Ordinance adding Section 782 to the Planning Code to create a Third Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending Section 249.14 of the Planning Code to remove inconsistent regulations regarding liquor establishments; amending Zoning Map Sheet 8SU and 10SU of the City and County of San Francisco to indicate the boundaries of the Third Street Alcohol Restricted Use District, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
7/29/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 8/28/2002. 8/6/02 - Transmitted to Planning Commission for public hearing and recommendation.

8/19/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

8/19/02, ASSIGNED to Transportation and Commerce Committee.

9/30/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

9/30/02, ASSIGNED to Transportation and Commerce Committee.

10/8/02, REFERRED TO DEPARTMENT. Substitute ordinance transmitted to Planning Commission for public hearing and recommendation; referred to Small Business Commission for comment and recommendation.

12/9/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

12/9/02, ASSIGNED to Transportation and Commerce Committee.

020550 [Zoning Map Amendment]
Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco to change the use classification and the height and bulk designation of the property zoned Service Light Industrial and bounded by Fourth Street, Freelon Street, Zoe Street and Welsh Street.

(Final Environmental Impact Report, dated September 7, 2000)
(12/9/02 in Board: Supervisor Daly submitted a substitute ordinance bearing same title.)

4/8/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 5/8/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

8/9/02, TRANSFERRED to Finance Committee.

11/14/02, RESPONSE RECEIVED. (From Planning Department, Addendum to Final Environmental Impact Report, dated November 7, 2002)

12/9/02, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing same title.

12/9/02, ASSIGNED to Finance Committee.

12/10/02, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.

020549 [Fourth and Freelon Streets Special Use District]
Supervisor Daly

Ordinance amending the San Francisco Planning Code by adding Section 249.23 to create the Fourth and Freelon Streets Special Use District encompassing the property zoned Service Light Industrial and bounded by Fourth Street, Freelon Street, Zoe Street and Welsh Street and by adding Section 263.16 to create special height and bulk exceptions for the Fourth and Freelon Streets Special Use District, which would allow previously approved but unbuilt live/work units to convert to market-rate residential units and additional market-rate residential units to be constructed with an allowable increase in height from 50' to 85' and a dwelling unit density governed by the permissible building envelope; provided that (i) the developer shall construct at the developer's sole expense, on land owned or purchased by the developer in either the South of Market Area or the North of Market Residential Special Use District, off-site affordable rental housing with square footage equal to 15% of the total residential units to be constructed offset by the cost of land acquisition, with a minimum of 56 units constructed of no less than 400 square feet each, (ii) the units shall be rental units affordable to low- and lower income households with income not exceeding 40% of San Francisco's median income, which shall remain affordable for 55 years or for the life of the building whichever is longer, and (iii) upon completion, the affordable housing development shall be owned, managed and operated by a nonprofit housing organization with reversion to the City if the nonprofit housing organization is dissolved.

(Companion measure to File 020550; Final Environmental Impact Report, dated September 7, 2000)
(12/9/02 in Board: Supervisor Daly submitted a substitute ordinance bearing new title.)

4/8/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 5/8/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

8/9/02, TRANSFERRED to Finance Committee.

11/14/02, RESPONSE RECEIVED. (From Planning Department, Addendum to Final Environmental Impact Report, dated November 7, 2002)

12/9/02, SUBSTITUTED. Supervisor Daly submitted a substitute ordnance bearing new title.

12/9/02, ASSIGNED to Finance Committee.

12/10/02, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.

020716 [Settlement of lawsuit and, as part of the settlement, amending the Rent Control Ordinance]
Supervisors Ammiano, Maxwell

Ordinance authorizing settlement of the lawsuit filed by residential landlords against the City and County of San Francisco to invalidate Proposition H passed in the November 2000 general election, concerning the pass through of capital improvement costs by landlords to tenants; the lawsuit was filed on November 22, 2000, in San Francisco Superior Court, Case No. 316-928 entitled Quigg v. City and County of San Francisco, et al.; and, as part of the settlement, amending the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) regarding permissible passthrough of bond costs from landlords to tenants by providing for 50% passthrough of the change in the landlord's property tax resulting from the repayment of general obligation bonds of the City and County of San Francisco approved by the voters in the future; and regarding permissible passthrough from landlords to residential tenants of certain costs for capital improvements, rehabilitation, energy conservation improvements, and renewable energy improvements, by codifying and expanding existing amortization schedules, by establishing specified maximum annual passthroughs at 5% of a tenant's base rent for properties with five or fewer units and at 10% of a tenant's base rent for properties with six or more units, by capping certification for work and improvements on properties with six or more residential units at 50% of landlord costs unless the tenant elects 100% passthrough of costs with a lifetime rent increase cap of 15% of base rent, by lengthening the amortization period from 10 years to 20 years for certain improvements required by law (including certain seismic improvements to unreinforced masonry buildings), by providing tenants and the Rent Board with pre-application notice of large projects, by providing that each petition totaling more than $25,000 must pay the cost of an estimator hired by the Rent Board unless the applicant provides copies of competitive bids received or copies of time and materials billing, by providing for the Commission on the Environment to conduct hearings and recommend new passthrough provisions encouraging energy conservation improvements and renewable energy improvements, and by expanding the provisions for tenant hardship applications for relief from such passthroughs by providing that a tenant can file such an application at any time instead of only at the time the passthrough is originally approved. This Ordinance amends Sections 37.2, 37.3, and 37.7, and 37.8B, with most provisions operative May 1, 2002 or 60 days prior to passage of this Ordinance on Second Reading by the Board of Supervisors, whichever is later.

(12/9/02 in Board: Supervisor Ammiano submitted a substitute ordinance bearing new title.)

5/6/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 6/5/2002.

12/9/02, SUBSTITUTED. Supervisor Ammiano submitted a substitute ordinance bearing new title.

12/9/02, ASSIGNED to Health and Human Services Committee. Sponsor requests this item be scheduled for consideration at the 10:00 a.m. Special Meeting on December 16, 2002, with a Committee Report to the Board of Supervisors.

Resolutions

021998 [Appointment to Telecommunications Commission]
Mayor

Resolution approving the Mayor's appointment of Michael Rouan to the Telecommunications Commission for the term ending July 1, 2004. (Mayor)

12/9/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021999 **[Biosciences Task Force]**
Supervisor Maxwell

Resolution establishing a Biosciences Task Force to make policy recommendations to the Board of Supervisors and setting forth the membership and duties of the Task Force.
12/9/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

022000 **[Authorize to accept and expend gift of $1,000.00 from First Baptist Church]**
Supervisors Newsom, Gonzalez

Resolution authorizing the City and County to accept and expend a gift in the amount of $1,000.00 from the first Baptist Church for Emergency Services.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022001 **[Urge City of Sacramento to overturn decision regarding sidewalks]**
Supervisors Peskin, Gonzalez

Resolution urging the City of Sacramento to withdraw its petition to the U.S. Supreme Court seeking to overturn a decision finding that access to sidewalks is within the program access requirements of Title II of the Americans with Disabilities Act of 1990.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022002 **[Urge DPT and SF County Transportation Authority to work in collaboration for the installation of pedestrian countdown signals]**
Supervisors Newsom, Dufty

Resolution urging the Department of Parking and Traffic and the San Francisco County Transportation Authority to work in collaboration in order to secure new funding streams necessary to jointly contribute toward the long-term safety gains by installing pedestrian countdown signals at the remaining 500 signalized intersections in the City and County of San Francisco.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022003 **[Authorize application to permit Mortgage Credit Certificates and Mortgage Revenue Bonds]**
Supervisors Newsom, Peskin

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Certificates and Mortgage Revenue Bonds.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022004 **[Commending participants of Crocker Amazon Playground Build Day]**
Supervisor Sandoval

Resolution commending all of the community members, organizations, and businesses who helped make the November 2, 2002 Crocker Amazon Playground Build Day a success.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022005 **[Authorizing Peninsula Corridor Joint Powers Board to increase Grant Anticipation Note Program]**
Supervisor Maxwell

Resolution authorizing the Peninsula Corridor Joint Powers Board to increase the Grant Anticipation Note Program by $231,000,000 in principal amount resulting in a total authorized aggregate principal amount of $453,500,000 outstanding at any one time.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022006 **[Urge Pretrial Diversion Program 50 hours of community service for first time graffiti offenders]**
Supervisors Hall, Maxwell

Resolution urging the Executive Director of the Pretrial Diversion program to recommend to the courts at least 50 hours of community service for first time graffiti vandalism offenders.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022007 **[Wishing Stan Warren well in his recovery]**
Supervisors Ammiano, Newsom, Dufty, Hall, Maxwell

Resolution wishing Stan Warren well in his recovery from surgery.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022008 **[Urge Pacific Bell to contract with responsible janitorial contractor]**
Supervisors Ammiano, Gonzalez, Maxwell

Resolution urging SBC Pacific Bell to join the rest of San Francisco's responsible corporations by contracting with a responsible janitorial contractor immediately in order to ensure their cleaning companies pay decent wages, provide affordable family health coverage, and respect workers' freedom to form a union.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022009 **[MOU between CCSF and US Department of Energy for the implementation of the City's renewable energy]**
Supervisor Ammiano

Resolution approving the signing of a Memorandum of Understanding between the City and County of San Francisco (CCSF) and the United States Department of Energy Seattle Office (DOE) to obtain support from DOE for the implementation of the City's renewable energy, energy efficiency and distributed generation goals, and to authorize the San Francisco Public Utilities Commission (SFPUC) and the San Francisco Department of the Environment (SFE) to administer and act co-leads for this agreement between CCSF and DOE.

(No Public Benefit Recipient.)
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022010 **[Commending UCSF]**
Supervisor Maxwell

Resolution commending UCSF for its leadership, innovation, and commitment to removing mercury from our environment.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearings

022011 **[State of California Budget Cuts]**
Supervisor Peskin

Hearing to receive a briefing from the Mayor's Budget Director on recent information on State of California budget cuts and their impact on City and County of San Francisco's budget.
12/9/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the December 18, 2002 meeting.

022012 **[Current Financial State of San Francisco Airport]**
Supervisor Peskin

Hearing to review the current financial state of San Francisco Airport and contingencies that it will implement as a result of the recently declared bankruptcy of its major tenant, United Airlines.
12/9/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the December 18, 2002 meeting.

022013 **[San Francisco Unified School District Bicycle Rack]**
Supervisor Ammiano

Hearing at the Joint City and School District Committee Meeting on January 15th, 2003, at 555 Franklin Street, San Francisco, regarding San Francisco Unified School District Bicycle Racks.
12/9/02, RECEIVED AND ASSIGNED to City and School District Committee.

Motions

021994 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program. (Clerk of the Board)
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022014 [Directing Clerk of the Board to provide public notice of budgetary decisions]
Supervisor Ammiano

Motion directing the Clerk of the Board of Supervisors to take specified actions to facilitate public notice of budgetary decisions by the Board of Supervisors causing the closure of, or affecting the level of medical service provided at, health care facilities of the City and County of San Francisco.
12/9/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022015 [Amend Rule 3.9 - Roll Call Requests]
Supervisor Gonzalez

Motion amending Rule 3.9 of the Rules of Order of the Board of Supervisors to allow Supervisors to make Roll Call requests for introduction at alternate Board meetings beginning in February of 2003.
12/9/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

Reports

021993 [Board of Supervisors Seniority]
Lottery to determine the seniority of the new members of the Board of Supervisors. (Clerk of the Board)

(Pursuant to Board of Supervisors Rule 6.21.)
12/9/02, ASSIGNED to Board of Supervisors. Scheduled for consideration on December 16, 2002; Special Order at 3:00 p.m.

PROPOSED ORDINANCES

020663 **[Extension of Sunset Clause - Utilization of Bid/RFP Process for Awarding of Parking Authority Leases and Management Contracts]**

Ordinance amending Section 17.11 (a) of the San Francisco Administrative Code to extend the authorization of the Parking Authority and the Municipal Transportation Agency to utilize a Bid/RFP process for the awarding of all leases and management agreements for the use or operation of parking facilities. (Parking and Traffic Department)

4/24/02, RECEIVED AND ASSIGNED to Finance Committee.

11/26/02, ASSIGNED to Finance Committee.

11/26/02, SUBSTITUTED. Parking and Traffic Department submitted a substitute ordinance bearing new title.

12/9/02, PASSED ON FIRST READING.

021885 **[Repealing Police Code Section 1159 - Sightseeing Vehicle Stands]**

Ordinance repealing Police Code Section 1159, which authorizes the Department of Parking and Traffic to issue to a single entity or person a permit for a sightseeing stand on Powell Street, for the purpose of selling tickets for sightseeing tours and providing sightseeing information. (Parking and Traffic Department)

(No Public Benefit Recipient.)
11/25/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021886 **[Parking Regulations, portions of Hyde Street]**

Ordinance adding Section 32.6.34 to the San Francisco Traffic Code, regarding parking regulations on portions of Hyde Street. (Parking and Traffic Department)

(No Public Benefit Recipient.)
11/25/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021937 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by plaintiff the Department of Fair Employment and Housing and intervening plaintiff Alane Bernadette Baca against the City and County of San Francisco and Andrew Blackwell for (1) payment of $100,000.00, including all damages, attorneys' fees and costs, (2) a credit of six (6) weeks of sick leave to intervening plaintiff Baca, and (3) the Police Department issuing a specified Department Bulletin, incorporating that Bulletin into specified EEO trainings, and beginning the process of reviewing and, where applicable, revising Department General Order 11.07; the lawsuit was filed on October 4, 2001, in San Francisco Superior Court, Case No. 325-126; entitled Department of Fair Employment and Housing, et al., v. City and County of San Francisco, et al (Real Party in Interest: Alane Bernadette Baca). (City Attorney)

(Public Benefit Recipient.)
11/27/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021938 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuits filed by William J. Sepatis against the City and County of San Francisco for $100,000; the lawsuit under US District Court Case No. C00-2299 MHP filed on May 31, 2000 and the lawsuit under US District Court Case No. C00-1626 MHP filed on May 8, 2000 were consolidated, entitled William James Sepatis v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

11/27/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021941 **[Creating Underground District No. 359 on Octavia Street]**

Ordinance approving Underground District No. 359 On Octavia Street. (Public Works Department)

(No Public Benefit Recipient.)

11/27/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

PROPOSED RESOLUTIONS

021796 **[Port Security Services Civil Service Exclusion]**

Resolution approving the Controller's certification that Port Area Security Services for the Port of San Francisco can be practically performed by a private contractor at a lower cost than if the work were performed by City employees at budgeted levels. (Port)

(Fiscal impact; No Public Benefit Recipient.)

10/25/02, RECEIVED AND ASSIGNED to Finance Committee.

11/21/02, SUBSTITUTED. Port submitted a substitute resolution bearing new title.

11/21/02, ASSIGNED to Finance Committee.

12/9/02, ADOPTED.

021830 **[Grant Funds to Develop Vulnerability Assessments]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to apply for, accept and expend grants amounting to $230,000 from the United States Environmental Protection Agency (USEPA) for vulnerability assessment. (Public Utilities Commission)

(No Public Benefit Recipient.)

11/27/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021884 **[Public Access Cable Television]**

Resolution renewing designation of the San Francisco Community Television Corporation (SFCTC) as the non-profit responsible for the management and operation of the City's public access cable television channel, Access San Francisco, coterminous with the public access grant awarded to SFCTC by the Department of Telecommunications and Information Services (DTIS) on October 28, 2002. (Telecommunications and Information Services)

(Public Benefit Recipient.)

11/27/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

021936 [Medical services for prison inmates referred from institutions of the California Department of Corrections]

Resolution authorizing the San Francisco Department of Public Health, Community Health Network of San Francisco (CHNSF), to enter retroactively into an agreement, which includes an indemnification clause, with The State of California, Department of Corrections (CDC), and accept reimbursement in the amount of $225,000 for medical services provided to inmates referred from the Correctional Training Facility (CTF) and the California Medical Facility (CMF); for the period of March 1, 2002, to June 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)

11/26/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021939 [Extension of Agreement with City Carshare]

Supervisors Peskin, Maxwell, Newsom

Resolution authorizing a six month extension to the existing grant agreement between the City and County of San Francisco and City Carshare. (Parking and Traffic Department)

(No Public Benefit Recipient.)

11/27/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

12/6/02, TRANSFERRED to Finance Committee.

Supervisor Newsom requested to be added as sponsor.

021967 [Accept-Expend Foundation Grant]

Resolution authorizing the Department of Human Services to accept and expend a two-year grant in the amount of $95,000 from the CalWORKs/Child Welfare Partnership Project for improving coordination between the department's Child Welfare and Welfare-To-Work programs. (Human Services Department)

(No Public Benefit Recipient.)

11/26/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

021973 [Consultant Contract for New Central Subway phase of Third St. Light Rail Transit Project]

Resolution approving the award of Municipal Railway Contract No. CS-138, Professional Engineering and Other Support Services for Muni Metro Third Street Light Rail Project: New Central Subway, with the Joint Venture of Parsons Brinckerhoff Quade & Douglas, Inc. and PGH Wong Engineering, Inc., to provide necessary professional engineering and other support services in an amount not to exceed $29,800,000, and for a term not to exceed five years. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

12/4/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021974 [Issuance of Clean Water Revenue Bonds, 2003 Refunding Series A]

Resolution approving the issuance of not to exceed $485,000,000 aggregate principal amount of Clean Water Revenue Bonds, 2003 Refunding Series A to be issued by the Public Utilities Commission of the City and County of San Francisco; and authorizing the taking of appropriate actions in connection therewith and related matters. (Public Utilities Commission)

(No Public Benefit Recipient.)

12/4/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the December 11, 2002 meeting.

021975 [Accept-Expend Regional Grant]
Supervisor Peskin

Resolution authorizing the Airport Commission to accept and expend five (5) grants totaling $1,089,000 from the Bay Area Air Quality Management District (Air District) for acquisition of clean air vehicles by Airport transportation operators. (Airport Commission)
12/4/02, RECEIVED AND ASSIGNED to Finance Committee.

021976 [Accept-Expend Federal/State Pass Through Grant]
Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $13,815 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education. (Public Library)

(No Public Benefit Recipient.)
12/4/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

021978 [California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2002-03]
Supervisor Maxwell

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2002-03 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2002-03. (Public Health Department)

(No Public Benefit Recipient.)
12/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Requests Granted

From: Supervisor Ammiano
To: City Attorney
Requesting/Inquiring: To review and revise rules regarding issuance of residential parking permits to SFUSD school teachers, including itinerant teachers.

From: Supervisor Gonzalez
To: City Attorney
Requesting/Inquiring: To identify the local, state and/or federal permits necessary to site a tidal energy generation facility within the San Francisco Bay and to estimate the costs and time necessary to obtain these permits.

From: Supervisor Maxwell
To: City Attorney
Requesting/Inquiring: To draft legislation to require public noticing at the Board of Supervisors for proposed planning code amendments, in instances where the Planning Commission has not held a public hearing on the proposed planning code amendment, that is equal to that of the Planning Commission's requirements.

From: Supervisor Maxwell
To: City Attorney
Requesting/Inquiring: To draft legislation to require a signed First Source agreement prior to Planning Commission approval of a project.

From: Supervisor Maxwell
To: City Attorney
Requesting/Inquiring: To draft legislation to require the Planning Department to provide public notice for an EIR addendum that is equal to the noticing requirement for the original EIR.

From: Supervisor Maxwell
To: Clerk of the Board
Requesting/Inquiring: To report on how the Board of Supervisors can create a process through which the Board can meet regularly with state and federal representatives to discuss issues affecting their constituency.
Due: January 20, 2003

From: Supervisor Newsom
To: Director, Department of Parking and Traffic
Requesting/Inquiring: To provide an evaluation of the following intersections for pedestrian and vehicular safety improvements:
1. Sacramento and Laurel Streets
2. Sacramento and Walnut Streets
3. California and Pierce Streets
4. Scott and Grove Streets

From: Supervisor Newsom
To: Director, Department of Aging and Adult Services
Requesting/Inquiring: To report on any existing or proposed plans for the development of a recycled cell phone program which would provide surplus cell phones to seniors to dial 911 in case of emergencies.

From: Supervisor Newsom
To: Director, Department of Building Inspection
Requesting/Inquiring: To report on the status of the Sprinkler Ordinance, including but not limited to:
1. What is the total number of buildings triggered by this ordinance?
2. What is the total number of buildings that have come into compliance with this ordinance?

3. What is the total number of buildings that have filed building permits for work to be completed in order to comply with this ordinance?
4. What is the total number of buildings that have been inspected by both the Department of Building Inspection and the Fire Department?
5. What notification has been sent to these building owners regarding this ordinance and its compliance date?
6. What, if any, additional measures are being taken to inform building owners of the need to come into compliance with this ordinance by December 31, 2002?
7. What percentage of these buildings do you anticipate will not be in full compliance by December 31, 2002?

From: Supervisor Newsom
To: Director, Department of Public Health
To: Director, Department of the Environment
Requesting/Inquiring: To investigate and report on environmental and safety concerns at 850 Bryant Street, including but not limited to:
1. What measures are being made for the safe and timely removal of asbestos from the building?
2. How are the rates of cancer, infertility, and eye infections in the Adult Probation Unit being tracked?
3. What is the status of the plumbing system in the building? What measures, if any, are being taken to mitigate any plumbing problems in the building?
4. What is the status of recent OSHA reports made regarding environmental hazards in the building?
5. What is the safety plan for the building?

From: Supervisor Peskin
To: Controller
Requesting/Inquiring: To report on the practice of city employees accruing excessive amounts of comp time during their City employment; including, what limits to accrual of comp time exist among City classifications and the fiscal impact of comp time accrual on the City's budget. The Controller is invited to recommend approaches to place reasonable limits on the accrual and use of comp time by City employees.

From: Supervisor Peskin
To: General Manager, Recreation and Park Department
To: Director, Department of Public Works
To: City Attorney
Requesting/Inquiring: Inquiring about the closure of year old Portsmouth Square Recreation Center on October 30, 2002 due to the discovery of mold. This closure has affected the well being of many users of all ages, including the elderly who enjoy going there daily to socialize, participate in community meetings and attend health and safety workshops.
Supervisor Peskin requests a status report on the closure of the facility, the ongoing investigation associated with it, estimates regarding reopening of the center and who will bear the costs associated therewith.

In Memoriams

Mal Waldron (Supervisor Gonzalez)
Jewel Green (Supervisor Maxwell)
Phillip Berrigan (Supervisor McGoldrick)
Ivan Illich (Supervisor McGoldrick)
Ellen Straus (Supervisor Peskin)

ADJOURNMENT

There being no further business, the Board at the hour of 6:34 p.m. adjourned.

Gloria L. Young, Clerk

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 13, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

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Monday, December 16, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

TOM AMMIANO, PRESIDENT
CHRIS DALY, BEVAN DUFTY, MATT GONZALEZ, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget Committee Supervisors Maxwell, Peskin, Ammiano, McGoldrick	2nd, 3rd and 4th Tuesday 10:00 AM
City and School District Committee Supervisor Ammiano, Commissioner Wynns, Commissioner Mar	3rd Wednesday 3:00 PM
Finance Committee Supervisors Peskin, Daly, Maxwell	Wednesday 12:30 PM
Health and Human Services Committee Supervisors Daly, Maxwell	1st and 3rd Thursday 1:00 PM
Neighborhood Services and Recreation Committee Supervisors Newsom, McGoldrick	2nd and 4th Thursday 2:00 PM
Public Works and Public Protection Committee Supervisors Sandoval, Gonzalez	1st and 3rd Tuesday 10:00 AM
Rules and Audits Committee Supervisors Hall, Gonzalez, Sandoval	1st and 3rd Tuesday 1:00 PM
Transportation and Commerce Committee Supervisors McGoldrick, Hall, Ammiano	2nd and 4th Thursday 9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 47

Members Present: Tom Ammiano, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

Members Absent: Chris Daly.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On call of the roll, the following Supervisors were noted absent:

Supervisors Daly, Dufty, McGoldrick - 3

Quorum present.

Supervisor Dufty was noted present at 2:10 p.m.
Supervisor McGoldrick was noted present at 2:15 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Peskin, seconded by Supervisor Maxwell, moved to approve November 25, 2002 Meeting Minutes. The motion carried by the following vote:

Ayes: 8 - Ammiano, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 3 - Daly, Dufty, McGoldrick

Supervisor Daly Excused from Attendance

Supervisor Peskin, seconded by Supervisor Maxwell, moved to excuse Supervisor Daly from attending today's meeting. The motion carried by the following vote:

Ayes: 8 - Ammiano, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 3 - Daly, Dufty, McGoldrick

Privilege of the Floor

Supervisor Maxwell, seconded by Supervisor Gonzalez, moved suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

Supervisor Maxwell introduced, welcomed and presented Certificates of Honor to Gerald Lee and Gwendolyn McCrea employees of United Parcel Service.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Health and Human Services Committee

021829 [Settlement of Lawsuit]
Supervisor Gonzalez

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Nonprofits' Insurance Alliance of California for receipt of an aggregate amount of $26,380.14 from Nonprofits' Insurance Alliance of California; the City and County of San Francisco filed the lawsuit on March 29, 2002 in San Francisco Superior Court (Case No. 406-211). (City Attorney)

(No Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 239-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

Severed From the Consent Agenda

Supervisor Sandoval requested that this matter be severed so that it could be considered separately.

021840 [Promote mental health, reduce youth violence and substance abuse in the Mission District/Bayview Hunters Point]
Supervisors Daly, Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new federal grant in the amount of $100,000 from the Department of Justice Drug-Free Communities Support Program (DOJ) for the YouthPOWER 2 project and to enter into an agreement for the use of these funds; for the period of October 1, 2002 to September 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Supervisor Dufty requested to be added as a co-sponsor.

Resolution No. 844-02

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Noes: 2 - Gonzalez, Sandoval
Absent: 1 - Daly

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Finance Committee

020663 [Extension of Sunset Clause - Utilization of Bid/RFP Process for Awarding of Parking Authority Leases and Management Contracts]
Supervisor Gonzalez

Ordinance amending Section 17.11 (a) of the San Francisco Administrative Code to extend the authorization of the Parking Authority and the Municipal Transportation Agency to utilize a Bid/RFP process for the awarding of all leases and management agreements for the use or operation of parking facilities; the Department shall report to the Board by June 1, 2003, on the development and use of performance measures. (Parking and Traffic Department)

Supervisor Gonzalez requested to be added as sponsor.

Ordinance No. 236-02

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

021339 [Financial Information Privacy]
Supervisors Peskin, Daly, Maxwell, McGoldrick, Gonzalez

Ordinance amending the San Francisco Business and Tax Regulations Code to enact a new Article 20 to provide for the protection of private financial information.

Supervisor Gonzalez requested to be added as a co-sponsor.

Ordinance No. 237-02

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Hall
Absent: 1 - Daly

Recommendation of the Health and Human Services Committee

021645 **[Pet Guardian - Definition and Duties]**
Supervisors Gonzalez, Daly, Maxwell

Ordinance amending Part II, Chapter V, Article 1 of the San Francisco Municipal Code (Health Code) by amending Section 41, to add the definition of "Guardian", and amending Sections 41.4, 41.5.1, 41.6, 41.7, 41.8, 41.10, 41.11, 41.12, 41.16, 41.19, 41.20, 41.22, 41.24, 42.2, and 42.3 to add the term "Guardian" where the term "Owner" is referenced.

Continued to January 13, 2003

Supervisor Gonzalez, seconded by Supervisor Newsom, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

Recommendation of the Public Works and Public Protection Committee

021814 **[Repealing local assault weapons prohibition]**
Supervisors Gonzalez, Peskin, Maxwell

Ordinance repealing Article 35A of the City and County of San Francisco Police Code, relating to the possession, sale, or transfer of assault weapons, in light of subsequent legislation by the State of California to regulate the possession, sale, transfer, manufacture, importation, distribution, and transportation of assault weapons.

Ordinance No. 238-02

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

Recommendation of the Rules and Audits Committee

021723 [Appointment]
Supervisor Gonzalez

Resolution appointing Karin Hu, Joan Roughgarden, Edward Conner, Carol Arnold, Paul Castleman, Charlotte Hill, Mary McAllister, Jack Laws, Matthew Sniffen, and Patrick Skain, terms ending December 1, 2003 to the Citizens Advisory Committee for Natural Areas Program (NAPCAC).

Karin Hu, new position, seat 1, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Joan Roughgarden, new position, seat 2, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Edward Conner, new position, seat 3, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Carol Arnold, new position, seat 4, must be knowledgeable in issues related to natural areas, including environmental interest advocacy; academic ecology; open space restoration; and water and soil erosion. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Paul Castleman, new position, seat 5, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Charlotte Hill, new position, seat 6, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Mary McAllister, new position, seat 7, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Jack Laws, new position, seat 8, must be interested in access to and use of public parks and open space, including: recreational uses; persons interested in trees and plants in public parks and open space; youth activities; and representation of neighborhoods that contain public parks and open space. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Matthew Sniffen, new position, seat 9, must be appointed at large. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.
Patrick Skain, new position, seat 10, must be appointed at large. The term shall expire on December 1, 2003 when the Committee sunsets unless otherwise extended by the Board of Supervisors.

Supervisor Gonzalez requested to be added as sponsor.

Resolution No. 843-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

Recommendation of Transportation and Commerce Committee

021643 **[Electric Personal Assistive Mobility Devices (Segway)]**
Supervisors Daly, Peskin, Ammiano, McGoldrick, Gonzalez, Maxwell, Ma

Ordinance amending the San Francisco Traffic Code by banning the operation of electric personal assistive mobility devices (Segway) on all sidewalks in the City and County of San Francisco and in public transit stations and public transit vehicles.

Supervisor Ma requested to be added as a co-sponsor.

Ordinance No. 241-02

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Hall, Newsom
Absent: 1 - Daly

NEW BUSINESS

Recommendations of the Finance Committee

021504 **[Prevailing rate of wage and displaced worker protection for workers employed in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the CCSF]**
Supervisors Daly, Ammiano, Peskin, Gonzalez

Ordinance adding Section 21.25-2 to the Administrative Code to require that workers employed in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City and County of San Francisco be paid the prevailing rate of wage and that such workers will have job protection with the successor contractor for a transition period after a lease, management agreement or other contractual arrangement is terminated.

Supervisor Gonzalez requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

021914 [Laguna Honda Replacement Project]
Supervisors Hall, Newsom

Ordinance authorizing the Director of Public Works (Director) to issue a competitive request for proposals (RFP) for the services of a Construction Manager-At-Risk (CM-at-Risk) for the Laguna Honda Hospital Replacement Project, and to award a contract for such services based on best qualifications; further authorizing the Director to modify and approve the assignment of the City's current professional services contract for construction management services with Turner Construction Company/Cooper Pugeda Management, Inc., a joint venture (Turner/CPM, JV) to Cooper Pugeda Management, Inc. (CPM); and to permit Turner Construction Company to participate in the RFP for the services of a CM-at-Risk.

(No Public Benefit Recipient.)

Supervisor Newsom requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

021324 [Airport Concession Lease]

Resolution approving the Domestic Terminals Automated Teller Machine Lease A between Wells Fargo Bank, N.A. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Public Benefit Recipient.)

Resolution No. 842-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

021974 [Issuance of Clean Water Revenue Bonds, 2003 Refunding Series A]
Supervisor Gonzalez

Resolution approving the issuance of not to exceed $462,660,000 aggregate principal amount of Clean Water Revenue Bonds, 2003 Refunding Series A to be issued by the Public Utilities Commission of the City and County of San Francisco; provided that issuance of the bonds would result in net debt service savings of at least 3 percent or $12,028,350; and authorizing the taking of appropriate actions in connection therewith and related matters. (Public Utilities Commission)

(No Public Benefit Recipient.)

Supervisor Gonzalez requested to be added as sponsor.

Resolution No. 850-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

021878 **[Lease of City Owned Real Property]**

Resolution authorizing the lease of 2,686 sq. ft. of space at the Main Library to the Friends and Foundation of the San Francisco Public Library. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 846-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Daly, Hall

021882 **[Lease of City Owned Real Property]**

Resolution authorizing the lease of 387 sq. ft. of space at the Main Library to the Friends and Foundation of the San Francisco Public Library for the operation of a bookstore. (Real Estate Department)

(Public Benefit Recipient.)

Resolution No. 847-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Daly, Hall

021920 **[HOME Program Funds]**
Mayor, Supervisor Gonzalez

Resolution approving amendments to procedures for allocating federal home program funds. (Mayor)

Supervisor Gonzalez requested to be added as a co-sponsor.

Resolution No. 849-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

Recommendation of the Health and Human Services Committee

021841 **[Behavioral Health Treatment for Homeless]**
Supervisors Daly, Dufty, Gonzalez, Newsom

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend $599,769 for the first year of a three year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) to provide behavioral health services for formerly homeless persons living at supportive housing sites in San Francisco and to enter into an agreement for the use of these funds; for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(Public Benefit Recipient.)

Supervisors Dufty, Gonzalez and Newsom requested to be added as co-sponsors.

Resolution No. 845-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

SPECIAL ORDER 3:00 P.M.

021993 **[Board of Supervisors Seniority]**

Lottery to determine the seniority of the new members of the Board of Supervisors. (Clerk of the Board)

(Pursuant to Board of Supervisors Rule 6.21.)

The Clerk of the Board read the names of the Supervisors-elect, each on a separate slip of paper and placed each one into individual plastic containers, placed them into a drum, locked the drum and spun it around. One by one, the Clerk of the Board withdrew one of the capsules and the read the name.

The following is the order in which the names were to read to determine the seniority order for the purposes of selecting office space, Chamber seat, parking space and compensated positions:

Supervisor-elect Bevan Dufty

Supervisor-elect Fiona Ma

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

021935 **[Hearing - Acquisition of Property by Eminent Domain]**

Hearing of persons interested in or objecting to proposed resolution authorizing the acquisition of portions of Lot 24 in Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue by eminent domain, for the construction of a substation for the Third Street Light Rail Project. (Clerk of the Board)

(Companion measure to Files 021904, 021917.)

Joe Speaks, Municipal Transportation Authority.

President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Rise and Report Without Recommendation

021917 [Acquisition of Property by Eminent Domain]
Supervisor Maxwell

Resolution authorizing the acquisition of portions of Lot 24 in Assessor's Block 5474, located at Keith Street and LeConte Avenue, and adjacent portions of Keith Street and LeConte Avenue, by eminent domain, for the construction of a substation for the Third Street Light Rail Project.

(Fiscal impact.)

Resolution No. 848-02

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

COMMITTEE REPORTS

From Health and Human Services Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

020716 [Settlement of lawsuit and, as part of the settlement, amending the Rent Control Ordinance]
Supervisors Ammiano, Maxwell

Ordinance authorizing settlement of the lawsuit filed by residential landlords against the City and County of San Francisco to invalidate Proposition H passed in the November 2000 general election, concerning the pass through of capital improvement costs by landlords to tenants; the lawsuit was filed on November 22, 2000, in San Francisco Superior Court, Case No. 316-928 entitled Quigg v. City and County of San Francisco, et al.; and, as part of the settlement, amending the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) regarding permissible passthrough of bond costs from landlords to tenants by providing for 50% passthrough of the change in the landlord's property tax resulting from the repayment of general obligation bonds of the City and County of San Francisco approved by the voters in the future; and regarding permissible passthrough from landlords to residential tenants of certain costs for capital improvements, rehabilitation, energy conservation improvements, and renewable energy improvements, by codifying and expanding existing amortization schedules, by establishing specified maximum annual passthroughs at 5% of a tenant's base rent for properties with five or fewer units and at 10% of a tenant's base rent for properties with six or more units, by capping certification for work and improvements on properties with six or more residential units at 50% of landlord costs unless the tenant elects 100% passthrough of costs with a lifetime rent increase cap of 15% of base rent, by lengthening the amortization period from 10 years to 20 years for certain improvements required by law (including certain seismic improvements to unreinforced masonry buildings), by providing tenants and the Rent Board with pre-application notice of large projects, by providing that each petition totaling more than $25,000 must pay the cost of an estimator hired by the Rent Board unless the applicant provides copies of competitive bids received or copies of time and materials billing, by providing for the Commission on the Environment to conduct hearings and recommend new passthrough provisions encouraging energy conservation improvements and renewable energy improvements, and by expanding the provisions for tenant hardship applications for relief from such passthroughs by providing that a tenant can file such an application at any time instead of only at the time the passthrough is originally approved. This Ordinance amends Sections 37.2, 37.3, and 37.7, and 37.8B, with most provisions operative May 1, 2002 or 60 days prior to passage of this Ordinance on Second Reading by the Board of Supervisors, whichever is later.

(12/9/02 in Board: Supervisor Ammiano submitted a substitute ordinance bearing new title.)

Supervisor Maxwell requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Dufty
Absent: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Ernestine Weiss; general issues and override costs
Abdulla Megaheed; homelessness issues
Male Speaker; welcomed Supervisor Dufty, 19th Avenue & Holloway
Paul Castleman; newly appointed to Citizen's Advisory Committee for Natural Areas Program
James Chaffee; SF Library issues
Michael O'Donnell; requested the Board to review an ordinance relating to Admin Code
Raul; regarding SBC hiring of janitorial at Pac Bell Ball Park
John Aldonna; general issues
Ms. Bradigan; individuals living in vehicles
Male Speaker; individuals living in vehicles
Francesco Costa; fiscal constraint, grants and placing a power plant in Presidio
John Kelly; tax on alcohol and shelters for the elderly
Andrew Bozeman; welcomed Supervisors Dufty and Ma and issues regarding power plants in Hunter's Point
Tom McDonagh; privacy issues, welcomed Supervisors Dufty and Ma
Eileen Brogan; SPEAK
Male Speaker; homeless issues

Recommendation of Finance Committee

021893 [Settlement of Lawsuit]
Supervisors Maxwell, McGoldrick

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against the Williams Energy Companies; the lawsuit entitled People v. Dynegy, et al. was filed on January 18, 2001, and has been consolidated as Wholesale Electricity Antitrust Cases I & II in the United States District Court, Southern District of California, Case Nos. 02 CV 0990-RHW, CV 02-1000-RHW, 02 CV-1001 RHW; which settlement provides a modification of the long-term contracts between the State of California and Williams, transfer to the City and County of San Francisco of four electric generating turbines for use within the City, payment of approximately $19 million to assist with siting and developing electric generating equipment in San Francisco and elsewhere; and payment to City and County of San Francisco of $500,000 for attorney's fees and other expenses of litigation.

(No Public Benefit Recipient.)

Supervisor Newsom noted absent at 4:45 p.m.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Newsom

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY

Existing Litigation - City as Plaintiff

Supervisor Gonzalez, seconded by Supervisor Maxwell, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Newsom

Motion that the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney, regarding the proposed settlement listed above.

Recess

The Board recessed at the hour of 4:46 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 4:59 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval - 9

Quorum present.

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance:
Supervisors Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Ted Lakey, Deputy City Attorney;
Theresa Mueller, Deputy City Attorney;
Gloria L. Young, Clerk of the Board;
Kay Gulbengay, Deputy Clerk

The was informational only and no action was taken.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor Sandoval, seconded by Supervisor Hall, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Newsom

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

022000 **[Authorize to accept and expend gift of $1,000.00 from First Baptist Church]**
Supervisors Newsom, Gonzalez

Resolution authorizing the City and County to accept and expend a gift in the amount of $1,000.00 from the first Baptist Church for Emergency Services.

Supervisor Gonzalez requested to be added as a co-sponsor.

Resolution No. 851-02
ADOPTED

022001 **[Urge City of Sacramento to overturn decision regarding sidewalks]**
Supervisors Peskin, Gonzalez

Resolution urging the City of Sacramento to withdraw its petition to the U.S. Supreme Court seeking to overturn a decision finding that access to sidewalks is within the program access requirements of Title II of the Americans with Disabilities Act of 1990.

Supervisor Gonzalez requested to be added as a co-sponsor.

Resolution No. 852-02
ADOPTED

022002 **[Urge DPT and SF County Transportation Authority to work in collaboration for the installation of pedestrian countdown signals]**
Supervisors Newsom, Dufty

Resolution urging the Department of Parking and Traffic and the San Francisco County Transportation Authority to work in collaboration in order to secure new funding streams necessary to jointly contribute toward the long-term safety gains by installing pedestrian countdown signals at the remaining 500 signalized intersections in the City and County of San Francisco.

Supervisor Dufty requested to be added as a co-sponsor.

Resolution No. 861-02
ADOPTED

022004 **[Commending participants of Crocker Amazon Playground Build Day]**
Supervisor Sandoval

Resolution commending all of the community members, organizations, and businesses who helped make the November 2, 2002 Crocker Amazon Playground Build Day a success.

Resolution No. 854-02
ADOPTED

022007 **[Wishing Stan Warren well in his recovery]**
Supervisors Ammiano, Newsom, Dufty, Hall, Maxwell

Resolution wishing Stan Warren well in his recovery from surgery.

Supervisors Dufty, Hall and Maxwell requested to be added as co-sponsors.
Resolution No. 856-02
ADOPTED

022008 **[Urge Pacific Bell to contract with responsible janitorial contractor]**
Supervisors Ammiano, Gonzalez, Maxwell

Resolution urging SBC Pacific Bell to join the rest of San Francisco's responsible corporations by contracting with a responsible janitorial contractor immediately in order to ensure their cleaning companies pay decent wages, provide affordable family health coverage, and respect workers' freedom to form a union.

Supervisors Gonzalez and Maxwell requested to be added as co-sponsors.
Resolution No. 857-02
ADOPTED

022009 **[MOU between CCSF and US Department of Energy for the implementation of the City's renewable energy]**
Supervisor Ammiano

Resolution approving the signing of a Memorandum of Understanding between the City and County of San Francisco (CCSF) and the United States Department of Energy Seattle Office (DOE) to obtain support from DOE for the implementation of the City's renewable energy, energy efficiency and distributed generation goals, and to authorize the San Francisco Public Utilities Commission (SFPUC) and the San Francisco Department of the Environment (SFE) to administer and act as co-leads for this agreement between CCSF and DOE.

(No Public Benefit Recipient.)

Resolution No. 858-02
ADOPTED

022010 **[Commending UCSF]**
Supervisor Maxwell

Resolution commending UCSF for its leadership, innovation, and commitment to removing mercury from our environment.

Resolution No. 859-02
ADOPTED

021994 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program. (Clerk of the Board)

Supervisor Dufty requested to be added as a co-sponsor.
Motion No. M02-203
APPROVED

022016 **[Final Map for an 84 Unit Residential/Commercial Condominium Project]**

Motion approving Final Map of Hawthorne Place, a Residential/Commercial Condominium Project, being a subdivision of Lot 92 in Assessor's Block No. 3750, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,854; District 6.)

Motion No. M02-205

APPROVED

022017 **[Final Map for a 14 Unit Live/Work Condominium Project]**

Motion approving Final Map of 239 8th Street, a Live/Work Condominium Project, being a subdivision of Lot 161, Assessor's Block No. 3730, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 173,736; District 6.)

Motion No. M02-206

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

Severed From Without Reference to Committee Agenda

Supervisor Peskin requested that this matter be severed so that it could be considered separately.

022003 **[Authorize application to permit Mortgage Credit Certificates and Mortgage Revenue Bonds]**

Supervisors Newsom, Peskin

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Certificates and Mortgage Revenue Bonds.

Mayor's representative responded to questions by members of the Board.
Supervisor Peskin requested to be added as a co-sponsor.

Resolution No. 853-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

Supervisor Peskin requested that this matter be severed so that it could be considered separately.

022005 **[Authorizing Peninsula Corridor Joint Powers Board to increase Grant Anticipation Note Program]**
Supervisor Maxwell

Resolution authorizing the Peninsula Corridor Joint Powers Board to increase the Grant Anticipation Note Program by $231,000,000 in principal amount resulting in a total authorized aggregate principal amount of $453,500,000 outstanding at any one time.

Resolution No. 855-02

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

Supervisor Gonzalez, seconded by Supervisor Peskin, moved to rescind the previous vote.
The motion to rescind the previous vote was adopted by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

Susan Stark, Member of the Peninsula Corridor Joint Powers Board responded to questions raised by members of the Board.

Resolution No. 855-02

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

Supervisor Hall requested that this matter be severed so that it could be considered separately.

022006 **[Urge Pretrial Diversion Program 50 hours of community service for first time graffiti offenders]**
Supervisors Hall, Maxwell

Resolution urging the Executive Director of the Pretrial Diversion program to recommend to the courts at least 50 hours of community service for first time graffiti vandalism offenders.

Continued to January 13, 2003.
Supervisor Maxwell requested to be added as a co-sponsor.

CONTINUED by the following vote:
Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

Supervisor Ammiano requested that this matter be severed so that it could be considered separately.

022014 [Directing Clerk of the Board to provide public notice of budgetary decisions]
Supervisor Ammiano, Gonzalez.

Motion directing the Clerk of the Board of Supervisors to take specified actions to facilitate public notice of budgetary decisions by the Board of Supervisors causing the closure of, or affecting the level of medical service provided at, health care facilities of the City and County of San Francisco.

Amended on page 2, line 5 after the words "any proposed final budget" by adding "or any proposed amendment to an approved budget"; and further amended on page 2, line 13, after the words "location at which the," by adding the word "full".

President Ammiano, seconded by Supervisor Gonzalez, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

Supervisor Gonzalez requested to be added as a co-sponsor.

Motion No. M02-204

APPROVED AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Gonzalez, moved ADOPTION of the Commendary Finding Act. The motion carried by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Gonzalez, moved ADOPTION of the Brown Finding Act. The motion carried by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

022028 **[Commending John Avalos]**
Supervisors Sandoval, Gonzalez, Maxwell, Dufty

Resolution commending John Avalos for his work empowering children, youth and families in San Francisco.

Resolution No. 860-02

ADOPTED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 2 - Daly, McGoldrick

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

022027 **[Conflict of Interest Code Amendments]**

Ordinance amending sections 3.1-109, 3.1-110, 3.1-120, 3.1-135, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-170, 3.1-175, 3.1-195, 3.1-230, 3.1-240, 3.1-245, 3.1-250, 3.1-260, 3.1-265, 3.1-270, 3.1-275, 3.1-310, 3.1-315, 3.1-320, 3.1-335, 3.1-345, 3.1-350, 3.1-360, 3.1-365, 3.1-375, 3.1-390, 3.1-395, 3.1-430, 3.1-435, and 3.1-445; deleting section 3.1-330 of the Campaign and Governmental Conduct Code; and adding section 3.1-169 to the Campaign and Governmental Conduct Code to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure requirements. (City Attorney)

12/16/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 1/12/2003.

022029 **[To appropriate funding for a business tax amnesty program]**
Supervisor McGoldrick

Ordinance appropriating $998,992 from the General Fund Reserve to the Treasurer/Tax Collector for the purpose of promoting and administering a business tax amnesty program, for fiscal year 2002-03, placing $701,494 on reserve.

12/16/02, RECEIVED AND ASSIGNED to Finance Committee.

022030 [Major Exterior Alterations to Residential Buildings]
Supervisors McGoldrick, Ammiano, Maxwell

Ordinance amending the San Francisco Building Code by amending Section 103.3 to define "demolition" to mean only the complete removal of the structure, to define "major exterior alteration" as the removal of 75 percent or more of the exterior walls of a building or 50 percent or more of the building façade facing the street, and to impose the following additional requirements on major exterior alteration projects: expanded application requirements, inspector verification of existing conditions, prohibition on commencement of work until 15 days after permit issuance, limitations on the renewal or extension of the permit beyond three years, and establishment of penalties for violation of the requirements; amending the San Francisco Building Code by repealing Section 106.3.2.2, requiring notice of the application for a demolition permit; amending the San Francisco Planning Code by amending Sections 311 and 312 to require expanded public notice of major exterior alteration projects; requiring the Building and Planning Departments to issue implementing regulations within 90 days and report to the Board on the effectiveness of the ordinance no later than nine months thereafter; and adopting findings.
12/16/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 1/15/2003.

022031 [Zoning Map Amendment]
Supervisor Maxwell

Ordinance amending Section Maps 8 and 8SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 3978, Lot 1, bounded by Rhode Island Street, 17th Street, Kansas Street and Mariposa Street, from M-1 (Light Industrial) to NC-3 (Moderate-Scale Neighborhood Commercial District) and the 17th and Rhode Island Street Grocery Store Special Use Subdistrict.

(Companion measure to File 022032.)
12/16/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 1/15/2003.

022032 [17th and Rhode Island Street Grocery Store Special Use Subdistrict]
Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 781.10 to create the 17th and Rhode Island Grocery Store Special Use Subdistrict, applicable to the newly rezoned NC-3 block (previously M-1) bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1), to permit a neighborhood grocery store at 17th and Rhode Island and amending the Section 712 Zoning Control Table; adopting findings.
12/16/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 1/15/2003.

022033 [Grant Applications]
Supervisor Sandoval

Ordinance amending San Francisco Administrative Code Section 10.170 to provide that all applications submitted by the City for federal, State, or other grants requesting funding for fifty thousand dollars or more for any project or program shall be subject to approval by the Board of Supervisors by resolution and placed on the For Adoption Without Committee Reference portion of the Board of Supervisors' Agenda.
12/16/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 1/15/2003.

021726 **[Regulation of mobile storage containers on the public right-of-way]**
Supervisor Sandoval

Ordinance adding Sections 726 et seq. of the Public Works Code to regulate placement of mobile storage containers on the public right-of-way.

10/16/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 11/14/2002.

12/16/02, ASSIGNED to Public Works and Public Protection Committee.

12/16/02, SUBSTITUTED. Supervisor Sandoval submitted a substitute ordinance bearing same title.

022046 **[RCN Proposed OVS Franchise]**
Supervisor Hall

Draft Ordinance granting a 13 year franchise to RCN Telecom Services, Inc. for use of the public rights of way within the City and County of San Francisco to provide open video system services, cable internet services and other services upon payment of five percent of gross revenues to the City and County of San Francisco.

12/16/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 1/15/2003.

Resolutions

022028 **[Commending John Avalos]**
Supervisors Sandoval, Gonzalez, Maxwell, Dufty

Resolution commending John Avalos for his work empowering children, youth and families in San Francisco.

12/16/02, ADOPTED.

022034 **[Urging SF Federal Legislative Delegation Allocation of HUD McKinney Funds]**
Supervisor Gonzalez

Resolution urging San Francisco's Federal legislative delegation to advocate for allocation of HUD McKinney funds at the 2002-03 level to support employment, education and training services to homeless services in San Francisco.

12/16/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022035 **[Declare January 16, 2003 Laura Jo Ruffin Day]**
Supervisor Peskin

Resolution declaring January 16, 2003 Laura Jo Ruffin Day in San Francisco.

12/16/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022044 [Supporting Assembly Bill 18]
Supervisors Dufty, Ammiano

Resolution supporting Assembly Bill 18, eliminating the preemption clause of the State Fair Employment and Housing Act.
12/16/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request For Hearings

022036 [Department of Parking and Traffic Annual Report]
Supervisor McGoldrick

Hearing to receive annual report of the Department of Parking and Traffic's progress in placing pedestrian signage and ladder cross-walks near school sites, senior centers and other sites utilized by vulnerable pedestrian populations as directed by Resolution No. 730-01 passed on September 2001.
12/16/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

022037 [Non-profit Service Providers]
Supervisor Hall

Hearing to discuss (1) how many non-profit organizations that receive funds from the City and County of San Francisco have collective bargaining agreements with their employees and what benefits these employees receive; (2) the salaries of the directors/managers of the non-profit organizations; (3) total budgets of these not-for-profit service providers as compared to their administrative costs; and, (4) methods and strategies to ensure that money allocated to non-profit service providers by the City and County of San Francisco is spent efficiently and to ensure accountability.
12/16/02, RECEIVED AND ASSIGNED to Finance Committee.

022038 [Equitable Distribution of funds by the DHS]
Supervisor Sandoval

Hearing on the equitable and appropriate distribution of funds by the Department of Human Services.
12/16/02, RECEIVED AND ASSIGNED to Finance Committee.

022039 [Public Safety Policies Regarding Individuals Living in their Vehicles]
Supervisor Sandoval

Hearing on public safety policies regarding individuals living in their vehicles.
12/17/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

022040 **[FY 2002-2003 and FY 2003-2004 Budgets]**
Supervisor Maxwell

Hearing on FY 2002-2003 and FY 2003-2004 budgets at a Committee of the Whole on January 13, 2003. The hearing will include reports from the Controller and the Mayor's Budget Office on mid-year budget reduction proposals, the most current budget projections for the City, and potential impacts for San Francisco from the State budget shortfall.
12/16/02, ASSIGNED to Board of Supervisors. Board to sit as a Committee of the Whole on January 13, 2003.

Motions

022026 **[Amending the Rules of Order of the San Francisco Board of Supervisors]**
Motion amending Rules 1.1, 2.9, 2.18, 3.7, 3.8, 3.11, and 5.35 of the Rules of Order of the Board of Supervisors to reflect the change of the regular meeting day from Monday to Tuesday and deadlines related thereto. (Clerk of the Board)
12/16/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

022041 **[Sitting As A Committee of the Whole 1/13/03 Budget]**
Supervisor Maxwell

Motion scheduling a Committee of the Whole on January 13, 2003, at 3:00 p.m. to hold a hearing on the FY 2002 - 2003 and FY 2003 - 2004 budgets.
12/16/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

022043 **[Legislative Analyst Request]**
Supervisor Hall

Motion asking the Legislative Analyst to Review other municipalities (i.e. Washington D.C., Los Angeles, Seattle and New York City) and analyze what legislation and programs these cities have that encourage homeownership for first time homebuyers. Specifically, please analyze the tax credits offered by Washington D.C. to first time homebuyers.

Also, determine how the City and County of San Francisco could issue revenue bonds to create a fund accessible for San Franciscans seeking down payment and mortgage assistance.
12/16/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration January 13, 2003.

022045 **[Needle Exchange Emergency]**
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
12/16/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

021986 **[Settlement of Litigation]**

Ordinance authorizing settlement of litigation by the City and County of San Francisco against Haruo Abe by accepting the total amount of $21,250 plus interest as provided in the settlement and Mutual Release and directing its attorney to sign the dismissal with prejudice of the subject litigation upon completion of all of the terms of the settlement agreement. (Treasurer-Tax Collector)

(No Public Benefit Recipient.)
12/10/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

021987 **[Settlement of Litigation]**

Ordinance authorizing settlement of litigation by the City and County of San Francisco against Hartford Properties, a California Corporation and Helen Parduhn Marshall, individuals by accepting the total amount of $25,000 directing its attorney to sign the Payment Agreement, Settlement and Release. (Treasurer-Tax Collector)

(Public Benefit Recipient.)
12/10/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

PROPOSED RESOLUTIONS

021981 **[Stop Intersections]**
Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Avila and Beach Streets, stopping Beach Street at Avila Street, making this intersection an all-way STOP.
34th Avenue and Rivera Street, stopping 34th Avenue at Rivera Street, making this intersection an all-way STOP.
28th Avenue and Ulloa Street, stopping 28th Avenue at Ulloa Street, making this intersection an all-way STOP.
46th Avenue and Ortega Street, stopping 46th Avenue at Ortega Street, making this intersection an all-way STOP.
42nd Avenue and Ortega Street, stopping 42nd Avenue at Ortega Street, making this intersection an all-way STOP.
44th Avenue and Ortega Street, stopping Ortega Street at 44th Avenue, making this intersection an all-way STOP.
Italy Avenue and Lisbon Street, stopping Lisbon Street at Italy Avenue, making this intersection an all-way STOP.
Huron Street and Lawrence Avenue, stopping Huron Street at Lawrence Avenue, making this intersection an all-way STOP.
43rd Avenue and Ortega Street, stopping 43rd Avenue at Ortega Street, making this intersection an all-way STOP.
23rd Avenue and Kirkham Street, stopping Kirkham Street at 23rd Avenue, making this intersection an all-way STOP. (Parking and Traffic Department)

(12/3/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2538; No Public Benefit Recipient.)
12/5/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021982 **[Traffic Regulations, Various Streets]**
Resolution enacting and rescinding traffic regulations on various streets.

ONE-WAY (WESTBOUND) STREET - ESTABLISH
Tehama Street, from Gallagher Lane to 5th Street.

NO LEFT TURN INTO DRIVEWAY - ESTABLISH
643 and 649 Bay Street, westbound, between Columbus Avenue and Leavenworth Street. (Parking and Traffic Department)

(12/3/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2538; No Public Benefit Recipient.)
12/5/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021983 **[Parking Regulations, Various Locations]**
Resolution enacting and rescinding parking regulations at various locations.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Faxon Avenue, east side, from Ocean Avenue to 170 feet northerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
San Jose Avenue, south side, from 52 feet to 95 feet south of Theresa Street;
Mason Street, west side, from Beach Street to 22 feet southerly; and
California Street, both sides, from Van Ness Avenue to 55 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
Mission Street, south side, from 60 feet to 140 feet east of 11th Street.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Meacham Place, both sides, from Post Street to south terminus.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Taylor Street, east side, from 3 feet to 6.5 feet south of the driveway at 1434 Taylor Street (3.5-foot zone, accommodating one motorcycle parking stall).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Plymouth Avenue, east side, from Ocean Avenue to 96 feet northerly.

PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
24th Street, north side, from 65 feet to 107 feet west of Castro Street; and
24th Street, south side, from Castro Street to 143 feet westerly.

NO PARKING ANYTIME, 7 AM to 6 PM, EXCEPT SUNDAYS - RESCIND
Powell Street, east side, from 10 feet to 55 feet south of Pine Street (to establish a green zone in its place).

PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Bosworth Street, north side, between Arlington and Diamond Streets (approximately nine spaces).

RESIDENTIAL PERMIT PARKING AREA "D" (2-HOUR TIME LIMIT, 7 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Arlington Street, east side, between Bosworth and Wilder Streets.

2-HOUR (SIGNED) PARKING RESTRICTIONS, 3-MONTH TRIAL - ESTABLISH
Bosworth Street, south side, between I-280 southbound on-ramp and Lyell Street; and
Bosworth Street, north side, between Arlington and Lyell Streets.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Tehama Street, both sides, between 5th Street and Gallagher Lane

ANGLED (45 DEGREE ANGLE) PARKING - RESCIND
ANGLED (60 DEGREE ANGLE) PARKING - ESTABLISH
2400 block of Broadway, north side, between Pierce and Steiner Streets

RESIDENTIAL PERMIT PARKING AREA "Y" (2-HOUR TIME LIMIT, APRIL TO OCTOBER, 9 AM TO 10 PM, MONDAY THROUGH FRIDAY, 9 AM TO 6 PM, SATURDAY AND SUNDAY; NOVEMBER TO MARCH, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
200 block of Brannan Street, south side, between Colin P. Kelly, Jr. and Delancey Streets.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Cesar Chavez Street, south side, from Guerrero Street to 84 feet easterly (include addresses 3627, 3631 and 3635 Cesar Chavez Street only).

RESIDENTIAL PERMIT PARKING AREA "V" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Mount Vernon Avenue, both sides, between Del Monte and Ellington Avenues (portion of the Unit block); and Ellington Avenue, both sides, between Mount Vernon Avenue and east terminus (Unit block)

RESIDENTIAL PERMIT PARKING AREA "U" (1-HOUR TIME LIMIT, 8 AM - 10 PM, EVERYDAY) - ESTABLISH
147 Stillman Street, (adds specific address only)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
100 block of Bache Street, south terminus, from 10 feet east of the west property line to 22 feet easterly (22-foot zone).

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Gallagher Lane, east side, from 2.5 feet to 20 feet south of Tehama Street (accommodating five spaces).

1-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, EXCEPT SUNDAY - ESTABLISH
Gallagher Lane, east side, from 18 feet to 120 feet north of Clementina Street. (Parking and Traffic Department)

(12/3/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2538; No Public Benefit Recipient.)

12/5/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

021984 **[HIV Care and Related Services for Women and Minorities]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) AIDS Office (AO) to accept and expend retroactively the second year of a grant in the amount of $650,000 from the DHHS Office of Minority Health (DHHS OMH) to improve AIDS related health outcomes for women and minorities and to enter into an agreement for the use of these funds; for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(Public Benefit Recipient.)

12/11/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be scheduled for consideration at the December 19, 2002 meeting

12/12/02, TRANSFERRED to Finance Committee.

021985 [Expand Treatment for Homeless Addicts]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $499,999 for the first year of a three year grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) to establish the homeless addict vocational and educational network (HAVEN) and to enter into an agreement for the use of these funds; for the period of September 30, 2002 to September 29, 2003. (Public Health Department)

(Public Benefit Recipient.)
12/11/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

Requests Granted

From: Supervisor Maxwell
To: City Attorney
Requesting/Inquiring: To draft legislation necessary to initiate joint meetings with those legislators who represent the City and County of San Francisco. (See Attachment.)

From: Supervisor Maxwell
To: City Attorney
Requesting/Inquiring: To report on the California Polanco Act, and specifically on its potential application by the City and County of San Francisco for brownfield sites.
Due: January 15, 2003

From: Supervisor Peskin
To: City Attorney
Requesting/Inquiring: To draft legislation to require that live phone calls made on behalf of political campaigns must divulge their funding source. This legislation would expand an existing ordinance that requires recorded phone messages made on behalf of political campaigns to divulge their funding source (Ordinance 011909).

From: Supervisor Sandoval
To: Director, Department of Human Services
Requesting/Inquiring: To explain the reason behind the lack of recipients of DHS funds in District 11 and how the department plans to address this issue in the future.

From: Supervisor Sandoval
To: Director, Mayor's Office on Homelessness
To: Director, Department of Public Works
To: Director, Department of Parking and Traffic
To: Chief, Police Department
Requesting/Inquiring: That hearing on public safety policies regarding individuals living in vehicles has been requested and will be calendared in the near future.

From: Supervisor Gonzalez
To: City Attorney
Requesting/Inquiring: To draft a charter amendment which would amend charter section 4.104 by reducing the number of votes required for passing an item before the Board of Supervisors, over-riding a mayoral veto or upholding an appeal of a Planning Commission decision which is brought before the Board of Supervisors if a member of the Board of Supervisors is found, by the City Attorney's office, to have a conflict-of-interest which prevents that member from voting on the issue.

From: Supervisor Hall
To: Clerk of the Board
Requesting/Inquiring: To explain the effect on the Clerk's Office if one Board meeting a month moved its start time from 2:00 p.m. to 5:00 p.m., and the effect on the Clerk's Office if Public Comment was moved to 6:30 p.m. as a Special Order once a month.

From: Supervisor Hall
To: City Attorney
Requesting/Inquiring: To draft a motion calling for a special order Public Comment portion of the agenda for 6:30 p.m. at the Board's February 4, 2003 meeting.

From: Supervisor Hall
To: Controller
Requesting/Inquiring: To lists all the not-for-profit-service providers who receive funds from the City and County, and the corresponding Department that appropriates those funds:

From: Supervisor Hall
To: City Departments that appropriate funds to not-for-profit-service providers
Requesting/Inquiring: That City Departments that appropriate funds to not-for-profit-service providers report how much funding is appropriated for each not-for-profit-service provider to which you appropriate funds, what the total budget is for each not-for-profit-service providers, what the administrative costs are for each not-for-profit-service providers, what the 3 lowest paid workers and 3 highest paid workers make for each not-for-profit-service providers, whether or not the not-for-profit-service provider's employees have a collective bargaining agreement, and whether or not these employees receive benefits.

From: Supervisor Hall
To: Controller
To: General Manager, Recreation and Park Department
Requesting/Inquiring: Please list the revenue and expenditures for the last five years for the Downtown Park Fund. What parks have been created and/or improved?

From: Supervisor Hall
To: Director, Department of Telecommunications and Information Services (DTIS); and Telecommunications Commission
Requesting/Inquiring: To analyze the ordinance in File No. 021825 (RCN OVS Franchise Proposal) and report back to the Board of Supervisors within 60 days from today.

From: Supervisor Hall
To: Director, Planning Department
To: Director, Redevelopment Agency
To: Director, Port
To: General Manager, Muni
Requesting/Inquiring: To draft a memorandum detailing the duties and functions of your department's long term planner, and explain how each of these planners works with other long term planners in different city departments.

From: Supervisor Hall
To: City Attorney
Requesting/Inquiring: To review current City Code that ensures accountability and efficient spending of City funds, and draft recommendations for improving this language.

From: Supervisor Hall
To: Superintendent, Board of Education
Requesting/Inquiring: To report on plans to maximize San Francisco's efforts to receive grants under the recently passed Proposition 49.

From: Supervisor Hall
To: General Manager, Recreation and Park Department
Requesting/Inquiring: To provide a list of all the City's park and recreation facilities and the hours in which supervised recreation is offered. Also, provide the policies and/or regulations which teams and organizations must follow to reserve athletic facilities, as well as the corresponding fees.

From: Supervisor Ma
To: Director, Department of Public Works
Requesting/Inquiring: To explore the status of expanding the use of the currently limited yellow-striped pedestrian crosswalks to senior centers; including but not limited to, the number of senior centers that would

be affected and the estimated costs and time necessary to implement these crosswalks.

From: Supervisor Ma
To: Director, Department of Telecommunications and Information Services (DTIS)
Requesting/Inquiring: To review and report on the portion of viewing hours on the City's public access cable television channel, Access San Francisco, allotted to nonprofit community organizations and groups.

In Memoriams

Marjorie Antenore (Supervisor Ammiano)
Michael McFadden (Supervisors Dufty, Hall, Newsom, Maxwell)

ADJOURNMENT

There being no further business, the Board at the hour of 5:00 p.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 13, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young
Clerk of the Board

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